

APPENDIX A

DOMESTIC VIOLENCE SUPPORT SERVICES IN N.H.

NH COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

P.O. Box 353
Concord, NH 03302-0353
(603) 224-8893 (Office)

The N.H. Coalition is comprised of 14 programs throughout the state that provide services to victims of sexual assault and domestic violence. The services are free, confidential, and available to all victims regardless of age, race, religion, sexual preference, class, or physical ability. The services include:

- 24-hour crisis line
- Emergency shelter and transportation
- Legal advocacy in obtaining restraining orders against abusers
- Hospital and court accompaniment for rape survivors
- Information about and help in obtaining public assistance

RESPONSE to Sexual & Domestic Violence

c/o Coos County Family
Health Service
214 School Street
Berlin, NH 03570
1-800-852-3388 (crisis line)
752-5679 (office)

Women's Supportive Services

11 School Street
Claremont, NH 03743
1-800-639-3130 (crisis line)
543-0155 (office)

Rape and Domestic Violence Crisis Center

P. O. Box 1344
Concord, NH 03302-1344
1-800-852-3388 (crisis line)
225-7376 (office)

Carroll County Against Domestic Violence and Rape

P.O. Box 1972
Conway, NH 03818
1-800-336-3795 (crisis line)
356-7993 (office)

Sexual Harassment and Rape Prevention Program (SHARPP)

University of New Hampshire
Huddleston Hall, Room 105
Durham, NH 03824
862-1212 (crisis line)
862-3494 (office)

Women's Crisis Service of the Monadnock Region

12 Court Street
Keene, NH 03431-3402
352-3782 (crisis line)
352-3844 (office)

New Beginnings A Women's Crisis Center

P.O. Box 622
Laconia, NH 03246
1-800-852-3388 (crisis line)
528-6511 (office)

Women's Information Service (WISE)

79 Hanover Street, Suite 1
Lebanon, NH 03766
448-5525 (crisis line)
448-5922 (office)

The Support Center Against Domestic Violence and Sexual Assault

P. O. Box 965
Littleton, NH 03561
444-0544 (crisis line)
444-0624 (office)

YWCA Crisis Service

72 Concord Street
Manchester, NH 03101
668-2299 (crisis line)
625-5785 (office)

Rape and Assault Support Services

P.O. Box 217
Nashua, NH 03061-0217
883-3044 (crisis line)
889-0858 (office)

Task Force Against Domestic and Sexual Violence

P.O. Box 53
Plymouth, NH 03264
536-1659 (crisis line)
536-3423 (office)

A Safe Place

P. O. Box 674
Portsmouth, NH 03802
1-800-852-3388 (crisis line)
436-7924 (office)

Sexual Assault Support Services

7 Junkins Avenue
Portsmouth, NH 03801
436-4107 (crisis line and office)

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APPENDIX B

NEW HAMPSHIRE COUNTY ATTORNEY OFFICES

Belknap County Attorney
64 Court Street
Laconia, New Hampshire 03246
(603) 524-8050

Carroll County Attorney
P.O. Box 157
Ossipee, New Hampshire 03864
(603) 539-7769

Cheshire County Attorney
P.O. Box 612E
Keene, New Hampshire 03431
(603) 352-0056

Coos County Attorney
38 Glen Avenue
P.O. Box 250
Berlin, New Hampshire 03570-0250
(603) 752-5000

Grafton County Attorney
Grafton County Courthouse
R.R. 1, Box 65E
North Haverhill, New Hampshire 03774
(603) 787-6968

Hillsborough County Attorney-Northern District
300 Chestnut Street
Manchester, New Hampshire 03101
(603) 627-5605

Hillsborough County Attorney-Southern District
19 Temple Street
Nashua, New Hampshire 03060
(603) 594-3250

Merrimack County Attorney
163 North Main Street
Concord, New Hampshire 03301
(603) 228-0529

Rockingham County Attorney
Rockingham County Justice Bldg.
Hampton Road
Exeter, New Hampshire 03833
(603) 778-8567

Sullivan County Attorney
14 Main Street
Newport, New Hampshire 03773
(603) 863-7950

Strafford County Attorney
County Farm Road
P.O. Box 799
Dover, New Hampshire 03820-0799
(603) 749-2808

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APPENDIX C

NEW HAMPSHIRE VICTIM/WITNESS ASSISTANCE PROGRAMS

Office of Victim/Witness Assistance
Attorney General's Office
33 Capitol Street
Concord, New Hampshire 03301
(603) 271-3671

Belknap County Victim/Witness
Belknap County Superior Courthouse
64 Court Street
Laconia, New Hampshire 03246
(603) 524-8050

Carroll County Victim/Witness
P.O. Box 218
Ossipee, New Hampshire 03864
(603) 539-7769

Cheshire County Victim/Witness
P.O. Box 612
Keene, New Hampshire 03431
(603) 352-0056

Coos County Victim/Witness
P.O. Box 366
Lancaster, New Hampshire 03584
(603) 788-3812

Grafton County Victim/Witness
Grafton County Courthouse
North Haverhill, New Hampshire 03774
(603) 787-6968

Hillsborough County Victim/Witness
Northern District
300 Chestnut Street
Manchester, New Hampshire 03101
(603) 627-5605

Hillsborough County Victim/Witness
Southern District
19 Temple Street
Nashua, New Hampshire 03060
(603) 594-3256

Merrimack County Victim/Witness
163 North Main Street
Concord, New Hampshire 03301
(603) 228-0529

Strafford County Victim/Witness
P.O. Box 799
Dover, New Hampshire 03820
(603) 749-4215

Sullivan County Victim/Witness
Sullivan County Attorney
14 Main Street
Newport, New Hampshire 03773
(603) 863-8345

Rockingham County Victim/Witness
Rockingham County Superior Court
1 Hampton Road
Exeter, New Hampshire 03833
(603) 778-8567

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APPENDIX D

NEW HAMPSHIRE SUPERIOR COURTS

Belknap County Superior Court
64 Court Street
Laconia, New Hampshire 03246
(603) 524-3570

Carroll County Superior Court
Carroll County Courthouse
P.O. Box 157
Ossipee, New Hampshire 03864
(603) 539-2201

Cheshire County Superior Court
Box 444
Keene, New Hampshire 03431
(603) 352-6902

Coos County Superior Court
P.O. Box 309
Lancaster, New Hampshire 03584
(603) 788-4900

Grafton County Superior Court
RR 1, Box 65
No. Haverhill, New Hampshire 03774
(603) 787-6961

Hillsborough County Superior Court
Northern District
300 Chestnut Street
Manchester, New Hampshire 03101
(603) 669-7410

Hillsborough County Superior Court
Southern District
30 Spring St.
P.O. Box 2072
Nashua, New Hampshire 03061
(603) 883-6461

Merrimack County Superior Court
P.O. Box 2880
Concord, New Hampshire 03302
(603) 225-5501

Rockingham County Superior Court
Administration & Justice Bldg.
Hampton Road
Exeter, New Hampshire 03833
(603) 772-3714

Strafford County Superior Court
P.O. Box 799
Dover, New Hampshire 03821
(603) 742-3065

Sullivan County Superior Court
22 Main Street
Newport, New Hampshire 03773
(603) 863-3450

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APPENDIX E

NEW HAMPSHIRE DISTRICT COURTS

Auburn District Court
284 Rt. 28 By-Pass
Auburn, New Hampshire 03032
(603) 624-2084/2265

Berlin District Court
220 Main Street
Berlin, New Hampshire 03570
(603) 752-3160

Claremont District Court
Tremont Square
P.O. Box 313
Claremont, New Hampshire 03743
(603) 542-6064

Colebrook District Court
10 Bridge Street
P.O. Box 5
Colebrook, New Hampshire 03576
(603) 237-4229

Concord District Court
32 Clinton Street
P.O. Box 3420
Concord, New Hampshire 03302
(603) 271-6400

Derry District court
29 West Broadway
Derry, New Hampshire 03038
(603) 434-4676/4677

Dover District Court
25 Saint Thomas Street
Dover, New Hampshire 03820
(603) 742-7202/749-4612

Durham District Court
Main Street
Durham, New Hampshire 03824
(603) 868-2323

Exeter District Court
120 Water Street
P.O. Box 394
Exeter, New Hampshire 03833
(603) 772-2931

Franklin District Court
316 Central Street
P.O. Box 172
Franklin, New Hampshire 03235
(603) 934-3290

Goffstown District Court
16 Main Street, P.O. Box 129
Goffstown, New Hampshire 03045
(603) 497-2597

Gorham District Court
Municipal Building
Park Street
Gorham, New Hampshire 03581
(603) 466-2454

Hampton District Court
132 Winnacunnet Road
P.O. Box 10
Hampton, New Hampshire 03843
(603) 926-8117

Hanover District Court
41 S. Main Street, P.O. Box 631
Hanover, New Hampshire 03755
(603) 643-5681

Haverhill District Court
Court Street
Woodsville, New Hampshire 03785
(603) 747-3063

Henniker District Court
2 Depot Street
Henniker, New Hampshire 03242
(603) 428-3214

Hillsboro District Court
27 School Street, P.O. Box 763
Hillsboro, New Hampshire 03244
(603) 464-5811

Hooksett District Court
101 Merrimack Street
Hooksett, New Hampshire 03106
(603) 485-9901/9220

Jaffrey/Peterborough District Court
7 Knight Street
P.O. Box 39
Jaffrey, New Hampshire 03452
(603) 532-8698/7276

Keene District Court
3 Washington Street
P.O. Box 364
Keene, New Hampshire 03431
(603) 352-2559/2047

APPENDIX E (continued)

Laconia District Court
Academy Square
P.O. Box 1010
Laconia, New Hampshire 03247
(603) 524-4128/4051

Lancaster District Court
25 Main Street, P.O. Box 485
Lancaster, New Hampshire 03584
(603) 788-4485

Lebanon District Court
51 North Park Street
P.O. Box 247
Lebanon, New Hampshire 03766
(603) 448-1297

Littleton District Court
134 Main Street
Littleton, New Hampshire 03561
(603) 444-7750/5514

Manchester District Court
27 Market Street, P.O. Box 456
Manchester, New Hampshire 03105
(603) 624-6510

Merrimack District Court
Town Hall Building
Baboosic Lake Road
P.O. Box 324
Merrimack, New Hampshire 03054
(603) 424-9916/9917/7005

Milford District Court
Meeting Place Mall
P.O. Box 148
Amherst, New Hampshire 03031
(603) 673-2900/2295

Nashua District Court
25 Walnut Street
Nashua, New Hampshire 03060
(603) 880-3333/3336

New London District Court
Main Street
P.O. Box 1966
New London, New Hampshire 03257
(603) 526-6519

Newport District Court
Main Street
P.O. Box 581
Newport, New Hampshire 03773
(603) 863-1832

Northern Carroll County
E. Conway Road, Route 302
P.O. Box 940
Conway, New Hampshire 03818
(603) 356-7710

Ossipee District Court
Rt. 171, Courthouse Square
P.O. Box 127
Ossipee, New Hampshire 03864
(603) 539-4561

Plaistow District Court
Town Hall
145 Main Street
P.O. Box 129
Plaistow, New Hampshire 03865
(603) 382-4651

Plymouth District Court
Courthouse, Main Street
P.O. Box 159
Plymouth, New Hampshire 03264
(603) 536-3326

Portsmouth District Court
111 Parrott Avenue
Portsmouth, New Hampshire 03801
(603) 431-2192

Rochester District Court
76 North Main Street
P.O. Box 68
Rochester, New Hampshire 03867
(603) 332-3516/3150

Salem District Court
35 Geremonty Drive
Salem, New Hampshire 03079
(603) 893-4483

Somersworth District Court
2 Pleasant Street
Somersworth, New Hampshire 03878
(603) 692-5967

Wolfeboro District Court
Route 171
Courthouse Square
P.O. Box 421
Ossipee, New Hampshire 03864
(603) 539-5093

APPENDIX F

DEPARTMENT OF HEALTH & HUMAN SERVICES DISTRICT OFFICES

DISTRICT OFFICE	STREET/MAILING ADDRESS	TELEPHONE/FAX
BERLIN	219 Main Street, Suite 2 Berlin, New Hampshire 03570	752-7800 1-800-972-6111 FAX: 752-2230
CLAREMONT	17 Water Street, Suite 301 Claremont, New Hampshire 03743	542-9544 1-800-982-1001 FAX: 542-1707
CONCORD	40 Terrill Park Drive, Unit 1 Concord, New Hampshire 03301	271-6200 1-800-322-9191 FAX: 271-6451
CONWAY	Route 16 (Madison) P.O. Box 2210 Conway, New Hampshire 03818	447-3841 1-800-552-4628 FAX: 447-1988
DOVER	90 Washington Street P.O. Box 459 Dover, New Hampshire 03820	749-1646 FAX: 749-3409
KEENE	809 Court Street Keene, New Hampshire 03431	357-3510 1-800-624-9700 FAX: 352-2598
LACONIA	65 Beacon Street West P.O. Box 634 Laconia, New Hampshire 03247	524-4485 1-800-322-2121 FAX: 528-4105
LITTLETON	551 Meadow Street Littleton, New Hampshire 03561	444-6786 1-800-552-8959 FAX: 444-0782
MANCHESTER	361 Lincoln Street Manchester, New Hampshire 03103	668-2330 1-800-852-7493 FAX: 668-5442
NASHUA	19 Chestnut Street P.O. Box 1025 Nashua, New Hampshire 03061	883-7726 1-800-852-0632 FAX: 883-2064
PORTSMOUTH	30 Maplewood Avenue, Suite 200 Portsmouth, New Hampshire 03801	433-8300 1-800-821-0326 FAX: 431-0731
ROCHESTER	150 Wakefield Street, Unit 22 Rochester, New Hampshire 03867	332-9120 1-800-862-5300 FAX: 335-5993
SALEM	154 Main Street, Suite 1 Salem, New Hampshire 03079	893-9763 1-800-852-7492 FAX: 890-3909

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APPENDIX G

REPORTING CHILD ABUSE AND/OR NEGLECT TO THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES

A. WHAT TO REPORT

New Hampshire law requires the reporting of all suspected child abuse or neglect. Absolute proof of abuse and/or neglect is not required before reporting. A report should be made if the reporter “has reason to suspect that a child has been abused or neglected”. New Hampshire law provides protection against civil and criminal liability if a citizen makes the report in good faith.

B. HOW TO REPORT

Anyone suspecting that a child has been abused and/or neglected must contact the Centralized Intake Unit of DCYF at:

1-800-894-5533

OUT-OF-STATE: 1-603-271-6556

A child protective service worker or supervisor will be available during business hours to receive reports. DCYF business hours are Monday-Friday from 8:00 a.m. - 4:30 p.m.

After business hours, on weekends, or on holidays, reports alleging imminent danger should be referred to local law enforcement agencies and/or to **HELPLINE at 1-800-852-3388**. HELPLINE is an information and referral crisis intervention service contracted by DCYF to assist in locating emergency crisis homes in cases in which law enforcement has believes it necessary to place a child. HELPLINE does not go out to assess the report.

C. WHO REPORTS

In accordance with RSA 169-C:29, information by any citizen regarding the suspected abuse or neglect of a child is not confidential and must be reported to the child protective agency. The law states:

“Any physician, surgeon, county medical examiner, psychiatrist, resident, intern, dentist, osteopath, optometrist, chiropractor, psychologist, therapist, registered nurse, hospital personnel (engaged in admission, examination, care and treatment of persons), Christian Science Practitioner, teacher, school official, school or foster care worker, law enforcement official, priest, minister, or rabbi or any other person having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter.”

Failure to comply with this law is a misdemeanor offense under RSA 169-C:39.

D. IMMUNITY FROM LIABILITY FOR REPORTING

In accordance with NH law, RSA 169-C:31: “Anyone participating in good faith in the making of a report pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the bureau or judicial proceeding resulting from such report.”

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APPENDIX H

NEW HAMPSHIRE DOMESTIC VIOLENCE DISTRICT COURT COORDINATING COUNCILS

The New Hampshire District Court, through the guidance of Judge Edwin Kelly, Administrative Justice, and in conjunction with the 1994 Statewide Conference on Family Violence, initiated the formation of community based domestic violence councils in each district court judicial district. The focus of the councils is to address, at the local level, the complex issues that arise in domestic violence cases.

The goals of the councils are threefold:

1. The education of the community about the phenomenon of domestic violence;
2. the development of services for all victims of domestic violence; and
3. continual critical review of how each of the “contact points” of the system are performing their function.

Thirty-two (32) domestic violence coordinating councils were formed in conjunction with the 1994 Statewide Conference on Family Violence at Waterville Valley. In the past year and a half since the conference, over 360 people have participated in the council project at a local level. Twenty-eight of the original councils have continued to meet on a regular basis. Many of the councils have focused on the need for community education, systems coordination and education for children. A number of councils are working to form visitation centers for the supervised transfer of children involved in domestic violence cases. The Strafford Council in conjunction with the Strafford Guidance Center has begun a visitation center.

Additional information on the Domestic Violence Coordinating Council Project can be obtained through the Administrative Office of the District and Municipal Courts, Judge Edwin W. Kelly or through the New Hampshire Coalition Against Domestic and Sexual Violence.

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APPENDIX I

NEW HAMPSHIRE BATTERER'S INTERVENTION PROGRAMS

Carroll County Mental Health Services
Carolyn Lucet
F. James Skinner
P.O. Box 2500
Conway, New Hampshire 03818
447-2111

Clearview Center
Laura Jacobs
Village Crossing
404 Middlesex Road, #4
Tyngsboro, Massachusetts 01879
(508) 649-9980

Contoocook Valley Counseling Center
Yale Morse
Nina Watanabe
Box 117
Henniker, New Hampshire 03304
428-3336

Headrest
Janet Sullivan
Donlon Wade
14 Church Street
P.O. Box 221
Lebanon, New Hampshire 03766
448-4872

Interlakes Medical Center
Michael Potter
P.O. Box 85
Meredith, New Hampshire 03253
279-1054

Lakes Region Family Services
Pam Martin
95 Water Street
Laconia, New Hampshire 03246
527-0073

Lifescrpts
Christopher Loeffler
One Park Avenue, Suite 5
Hampton, New Hampshire 03842
926-1921

Manchester Counseling Services
Steven Goldberg
Jim Iovino
Ron Roger
40 Bay Street
Manchester, New Hampshire 03104
668-4079

Monadnock Family Services
Kevin Dremel
Emily Franzen-Langa
331 Main Street
Keene, New Hampshire 03431
357-4400

RESPONSE
Donna Cummings
54 Willow Street
Berlin, New Hampshire 03570
752-2040

The Resource Group
Jim Parker
61 North Street
Manchester, New Hampshire 03104
626-3701

Riverbend
Lynnea Koester
Mark Powers
Bicentennial Square
P.O. Box 2032
Concord, New Hampshire 03302
228-2101

Seacoast Abuser Education
Robert Haynor
Michelle Cacho-Negrete
P.O. Box 1097
Kennebunkport, Maine 04046
(207) 854-5450

Strafford Guidance Center
Scott Hampton
130 Central Avenue
Dover, New Hampshire 03820
742-0630

New Hampshire Batterer's Intervention Programs

APPENDIX I (continued)

	Program Model	Treatment Model	Bilingual Staff	Staff Pattern	Length of Group	Intake Process	Fee Structure	Written Contract	Release of Confidentiality	Orientation (# of sessions)	After Group	Safety Plans	Victim's Services	Collaboration
Ending Violence Project Berlin, NH	PS, PF O	G, SS	NA	F/F	24	Y	FE, S	Y	Y	1-3	MC	Y	X	NHCADSV DVC
Riverbend Counseling Center Concord and Contoocook, NH	PF	G, SS	NA	M/F	26	Y	FE, S	Y	Y	1	MC	Y	R	NHNBIP DVC
Batterer's Treatment Program Conway, NH	PS	G	NA	M/F	26	Y	FE, S	Y	Y	1	NA	Y	R	NHNBIP DVC
Family Violence Intervention Services Dover and Rochester, NH	PS PF	G, SS O	NA	M/F	24	Y	FE, S	Y	Y	1	X	Y	R	NHNBIP DVC
Lifescritps Hampton, NH	PS PF, TH	G, SS	SP	M	24	Y	FE, I	Y	Y	1	X	Y	R	DVP
Domestic Violence Program Keene, NH	PS PF	G	NA	M/F	26	Y	FE, S I	Y	Y	1	NA	Y	R	DVP
Lakes Region Family Service Laconia, NH	PS, TH PF	G	NA	M/F	12	Y	FE, S I	Y	Y	NA	NA	NA	R	DVP DVC
Genesis: The Counseling Group Laconia, NH	PS TH	G, SS	NA	M/F	16	Y	FE, S I	Y	Y	NA	NA	NA	R	
Stop Group for Men Who Batter Lebanon, NH	PS, PF TH	G	NA	M/F	26	Y	FE	Y	Y	NA	NA	Y	R	DVP
Domestic Violence Treatment Program Manchester, NH	PS O, SS	G, CP	NA	M/F	24	Y	FE, S I	Y	Y	6	X	Y	R	NHNBIP DVC
RTT Associates Manchester, Concord and Salem, NH	PS, PF TH	G	NA	M/F	52	Y	FE, S	Y	Y	3-4	X	Y	R	DVP
Violence Intervention Program Tyngsboro, MA	PS	G, O	NA	M/F	35	2 sessions I	FE, S	Y	Y	8	NA	Y	R	DVP
<div> <div> PF – pro-feminist PS – psycho-educational TH – therapeutic </div> <div> G – group CP – couple's O – open-ended group SS – same sex group </div> <div> FE – fee charged I – insurance accepted S – sliding fee scale </div> <div> F – female M – male NA – not applicable R – referral SP – Spanish </div> <div> X – program provides Y – program requires MC – may continue in group </div> </div> <div> DVC – Domestic Violence Council (district courts) DVP – Domestic Violence Program contact NHCADSV – NH Coalition Against Domestic & Sexual Violence NHNBIP – NH Network of Batterer's Intervention Program </div>														

APPENDIX J

DOMESTIC VIOLENCE RESOURCE LIST

SERVICES	COUNSELING	EMER. SHELTER	RESTRAINING ORDERS	PROTECTION	EMOTIONAL SUPPORT	TRANSPORTATION	MEDICAL HELP	INFORMATION	HELP FOR MINORS	FINANCIAL AID	NO FEE	HOUSING HELP
CRISIS CENTERS	X	X	court advoc		X	X		X	X		X	X
POLICE			X	X		X	X	X	X			X
HOSPITALS					X	X	X	X	X			
COURTS			X						X			X
LOCAL WELFARE	X									X	X	X
DCYF									X			
NHCADSV								X	X			X
MENTAL HEALTH CTRS		X			X				X			
GUIDANCE COUNSELORS		X			X			X	X			X
CLERGY		X			X			X				X
EAPs					X			X				X
EMTs						X	X	X				
LAWYERS			X					X	X			

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APPENDIX K

PERSONALIZED SAFETY PLAN

Name: _____

Date: _____

Review Dates: _____

The following steps represent my plan for increasing my safety and preparing in advance for the possibility for further violence. Although I do not have control over my partner's violence, I do have a choice about how to respond to him/her and how to best get myself and my children to safety.

Step 1: Safety during a violent incident. Women cannot always avoid violent incidents. In order to increase safety, battered women may use a variety of strategies.

I can use some or all of the following strategies:

- A. If I decide to leave, I will _____. (Practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes would you use?)
- B. I can keep my purse and car keys ready and put them (place) _____ in order to leave quickly.
- C. I can tell _____ about the violence and request they call the police if they hear suspicious noises coming from my house.
- D. I can teach my children how to use the telephone to contact the police and the fire department.
- E. I will use _____ as my code word with my children or my friends so they can call for help.
- F. If I have to leave my home, I will go to _____.
(Decide this even if you don't think there will be a next time.)
If I cannot go to the location above, then I can go _____ to
or _____.
- G. I can also teach some of these strategies to some/all of my children.
- H. When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as _____.
(Try to avoid arguments in the bathroom, garage, kitchens, near weapons or in rooms without access to an outside door.)
- I. I will use my judgment and intuition. If the situation is very serious, I can give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.

Step 2: Safety when preparing to leave. Battered women frequently leave the residence they share with the battering partner. Leaving must be done with a careful plan in order to increase safety. Batterers often strike back when they believe that a battered woman is leaving a relationship.

I can use some or all of the following safety strategies:

- A. I will leave money and an extra set of keys with _____ so I can leave quickly.
- B. I will keep copies of important documents or keys at _____.
- C. I will open a savings account by _____, to increase my independence.
- D. Other things I can do to increase my independence include: _____

- E. The domestic violence program's hotline number is _____. I can seek shelter by calling this hotline.
- F. I can keep change for phone calls on me at all times. I understand that if I use my telephone credit card, the following month the telephone bill will tell my partner those numbers that I called after I left. To keep my telephone communications confidential, I must either use coins or I might get a friend to permit me to use their telephone credit card for a limited time when I first leave.
- G. I will check with _____ and _____ to see who would be able to let me stay with them or lend me some money.
- H. I can leave extra clothes with _____.
- I. I will sit down and review my safety plan every _____ in order to plan the safest way to leave the residence. _____ (Domestic violence advocate or friend) has agreed to help me review this plan.
- J. I will rehearse my escape plan, and as appropriate, practice it with my children.

Step 3: Safety in my own residence. There are many things that a woman can do to increase her safety in her own residence. It may be impossible to do everything at once, but safety measures can be added step by step.

Safety measures I can use include:

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic system, etc.
- D. I can purchase rope ladders to be used for escape from second floor windows.
- E. I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- F. I can install an outside lighting system that lights up when a person is coming close to my house.

- G. I will teach my children how to use the telephone to make a collect call to me and to _____ (friend/minister/other) in the event that my partner takes the children.
- H. I will tell people who take care of my children which people have permission to pick up my children and that my partner is not permitted to do so. The people I will inform about pick-up permission include:
- _____ (school),
- _____ (day care staff),
- _____ (babysitter),
- _____ (Sunday school teacher),
- _____ (teacher),
- _____ (and),
- _____ (others).
- I. I can inform _____ (neighbor),
- _____ (pastor), and
- _____ (friend) that my partner no longer resides with me and they should call the police if he is observed near my residence.

Step 4: Safety with a protection order. Many people who batter obey protection orders, but one can never be sure which violent partner will obey and which will violate protection orders. I recognize that I may need to ask the police and the courts to enforce my protection order.

The following are some steps that I can take to help the enforcement of my protection order:

- A. I will keep my protection order _____ (location). (Always keep it on or near your person. If you change purses, that's the first thing that should go in.)
- B. I will give my protection order to police departments in the community where I work, in those communities where I usually visit family or friends, and in the community where I live.
- C. There is a state registry of protection orders that all police departments can call to confirm a protection order. I can check with the police department to make sure that my order is in the registry.
- D. For further safety, if I often visit other cities/towns/counties in New Hampshire, I might file my protection order with the court in those areas. I will register my protection order in the following localities: _____, _____, and _____.
- E. I can call the local domestic violence program if I am not sure about B., C., or D. above or if I have some problem with my protection order.
- F. I will inform my employer, my minister, my closest friend _____ and _____ and that I have a protection order in effect.
- G. If my partner destroys my protection order, I can get another copy from the courthouse where I received the original order.
- H. If my partner violates the protection order, I can call the police and report a violation, contact my attorney, call my advocate, and/or advise the court of the violation.

- I. If the police do not help, I can contact my advocate or attorney and will file a complaint with the chief of the police department.
- J. I can also file a private criminal complaint with the district justice in the jurisdiction where the violation occurred or with the district attorney. I can charge my battering partner with a violation of the protection order and all the crimes that he commits in violating the order. I can call the domestic violence advocate to help me with this.

Step 5: Safety on the job and in public. Each battered woman must decide if and when she will tell others that her partner has battered her and that she may be at continued risk. Friends, family and co-workers can help to protect women. Each woman should consider carefully which people to invite to help secure her safety.

I might do any or all of the following:

- A. I can inform my boss, the security supervisor and _____ at work of my situation.
- B. I can ask _____ to help screen my telephone calls at work.
- C. When leaving work, I can _____

- D. When driving home if problems occur, I can _____

- E. If I use public transit, I can _____

- F. I can use different grocery stores and shopping malls to conduct my business and shop at hours that are different than those when residing with my battering partner.
- G. I can use a different bank and take care of my banking at hours different from those I used when residing with my battering partner.
- H. I can also _____.

Step 6: Safety and alcohol or other drug use. Most people in this culture use alcohol. Many use other mood-altering drugs. Much of this use is legal and some is not. The legal outcomes of using illegal drugs can be very hard on a battered woman, may hurt her relationship with her children and put her at a disadvantage in other legal actions with her battering partner. Therefore, women should carefully consider the potential cost of the use of illegal drugs. But beyond this, the use of any alcohol or other drugs can reduce a woman's awareness and ability to act quickly to protect herself from her battering partner. Furthermore, the use of alcohol or other drugs by the batterer may give him/her an excuse to use violence. Therefore, in the context of alcohol or other drug use, a woman needs to make specific safety plans.

If alcohol or other drug use has occurred in my relationship with the battering partner, I can enhance my safety by some or all of the following:

- A. If I am going to use, I can do so in a safe place and with people who understand the risk of violence and who are committed to my safety.
- B. I can also _____.

- C. If my partner is using, I can _____.
- D. I might also _____.
- E. To safeguard my children, I might and _____.

Step 7: Safety and my emotional health. The experience of being battered and verbally degraded by partners is usually exhausting and emotionally draining. The process of building a new life for myself takes much courage and incredible energy.

To conserve my emotional energy and resources and to avoid hard emotional times, I can do some of the following:

- A. If I feel down and ready to return to a potentially abusive situation, I can _____.
- B. When I have to communicate with my partner in person or by telephone, I can _____.
- C. I can try to use "I can ..." statements with myself and to be assertive with others.
- D. I can tell myself- " _____ " - whenever I feel others are trying to control or abuse me.
- E. I can read _____ to help me feel stronger.
- F. I can call _____, and as other resources to be of support to me.
- G. Other things I can do to help me feel stronger are _____, _____, and _____.
- H. I can attend workshops and support groups at the domestic violence program or _____, _____ or _____ to gain support and strengthen my relationships with other people.

Step 8: Items to take when leaving. When women leave partners, it is important to take certain items with them. Beyond this, women sometimes give an extra copy of papers and an extra set of clothing to a friend just in case they have to leave quickly.

Items with asterisks on the following list are the most important to take. If there is time, the other items might be taken, or stored outside the home.

These items might best be placed in one location, so that if we have to leave in a hurry, I can grab them quickly.

When I leave, I should take:

- Identification for myself
- Children's birth certificates
- My birth certificate
- Social Security Cards
- School and vaccination records
- Money
- Checkbook, ATM (Automatic Teller Machine) Card
- Credit Cards

- Keys - house/car/office
- Driver's license and registration
- Medications
- Welfare identification
- Green Cards
- Passport(s)
- Divorce papers
- Medical records - for all family members
- Lease/rental agreement, house deed, mortgage payment book
- Bank books
- Insurance papers
- Small saleable objects
- Address book
- Pictures
- Jewelry
- Children's favorite toys and/or blankets
- Items of special sentimental value

Telephone numbers I need to know:

Police department - home _____

Police department - school _____

Police department - work _____

Battered women's program _____

County registry of protection orders _____

Work number _____

Supervisor's home number _____

Minister _____

Other _____

Adapted from Barbara Hart and Jane Stuehling, PCADV, McKnight Street, Reading, PA 19601, PCADV, 1992, which was adopted from "Personalized Safety Plan," Office of the City Attorney, City of San Diego, California, April, 1990.

APPENDIX L

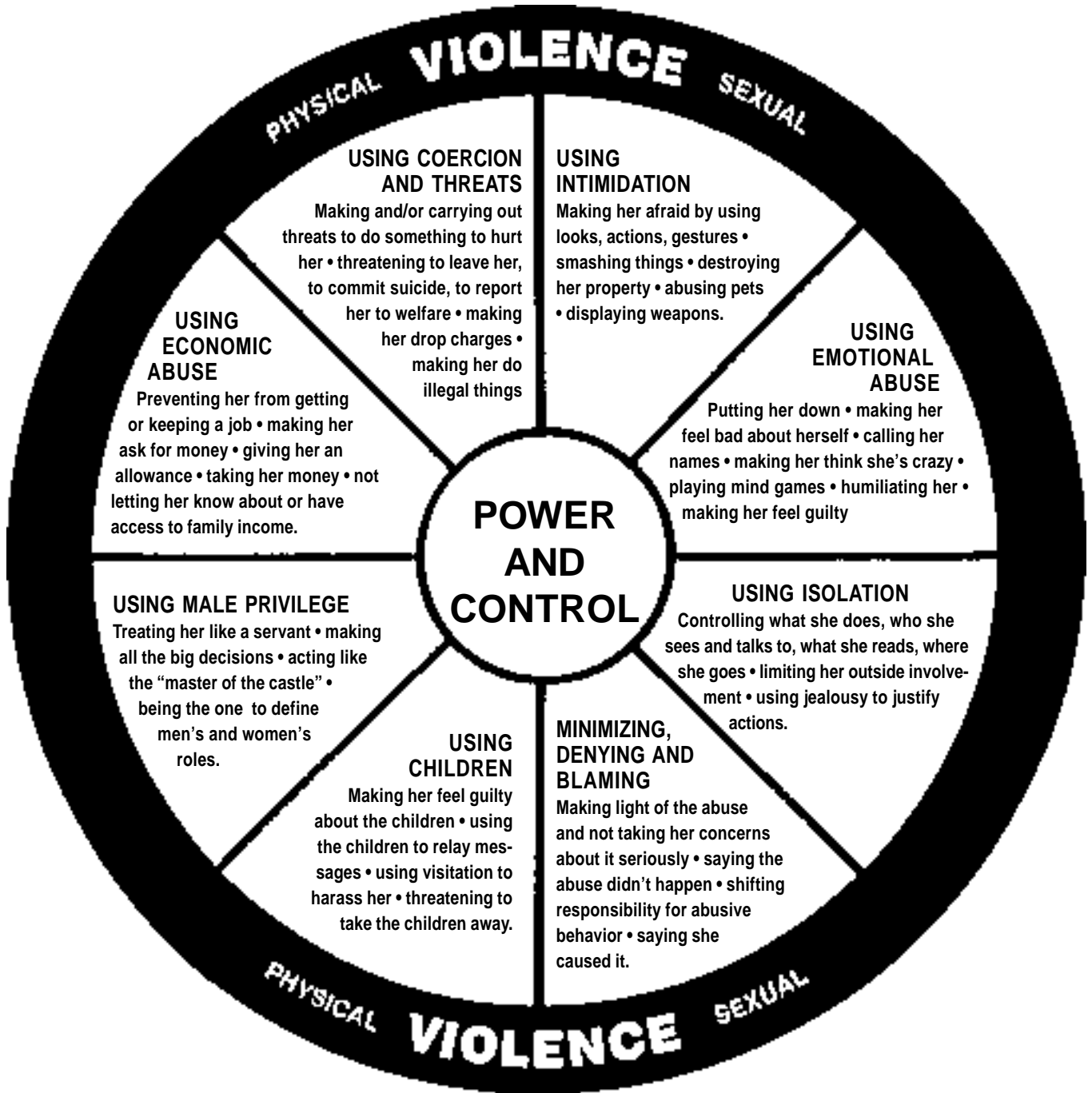
LETHALITY ASSESSMENT

(Or indicators that a “batterer” might kill)

- Threats of homicide or suicide
- Fantasies of homicide or suicide
- Depression
- Weapons
- Obsessiveness about partner or family
- Centrality of battered victim
- Rage
- Drug or alcohol consumption
- Pet or property abuse
- Access to battered victim or family
- Escalation of risk taking
- History of violence
- She is the best judge

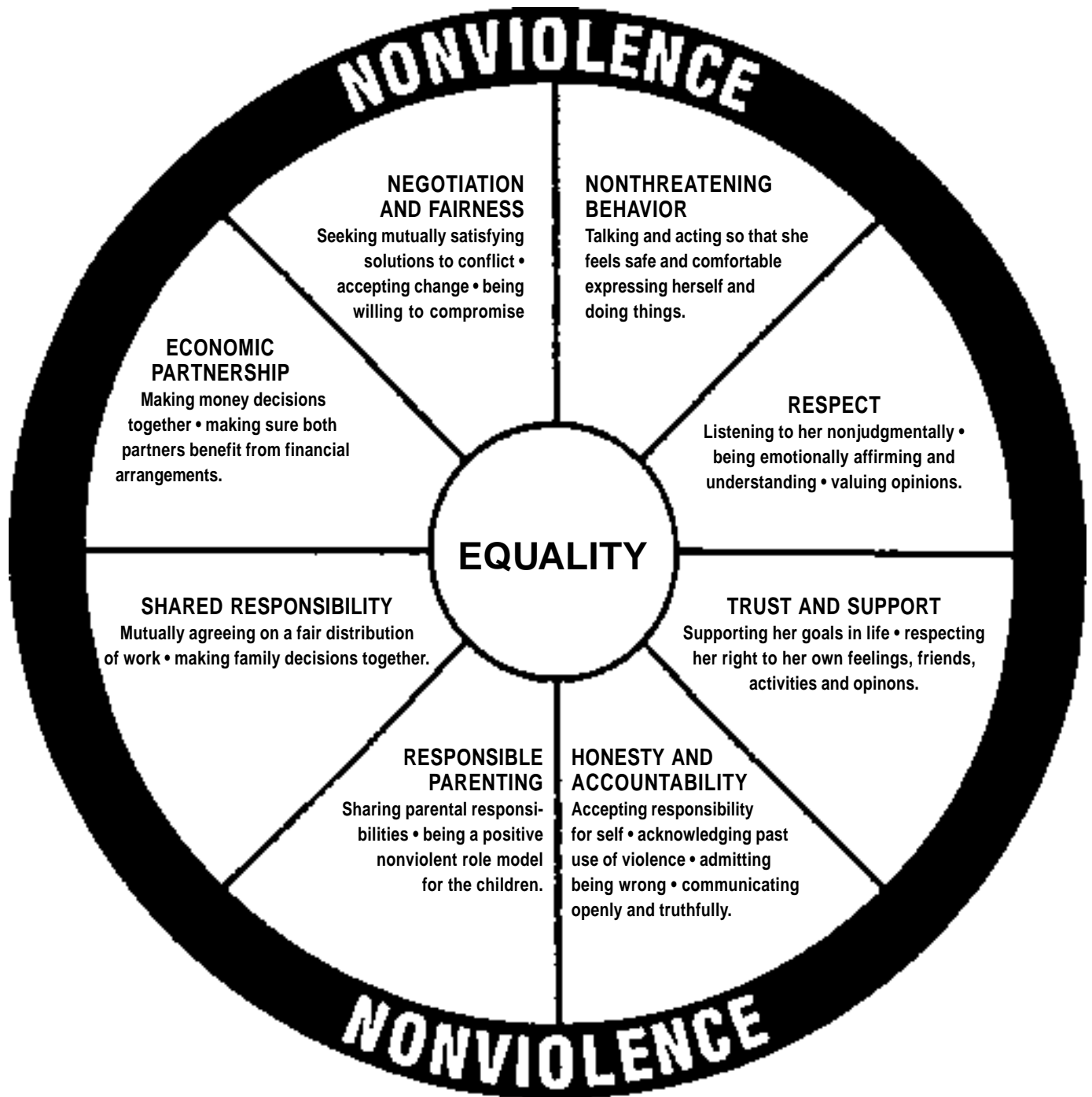
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APPENDIX M



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APPENDIX N



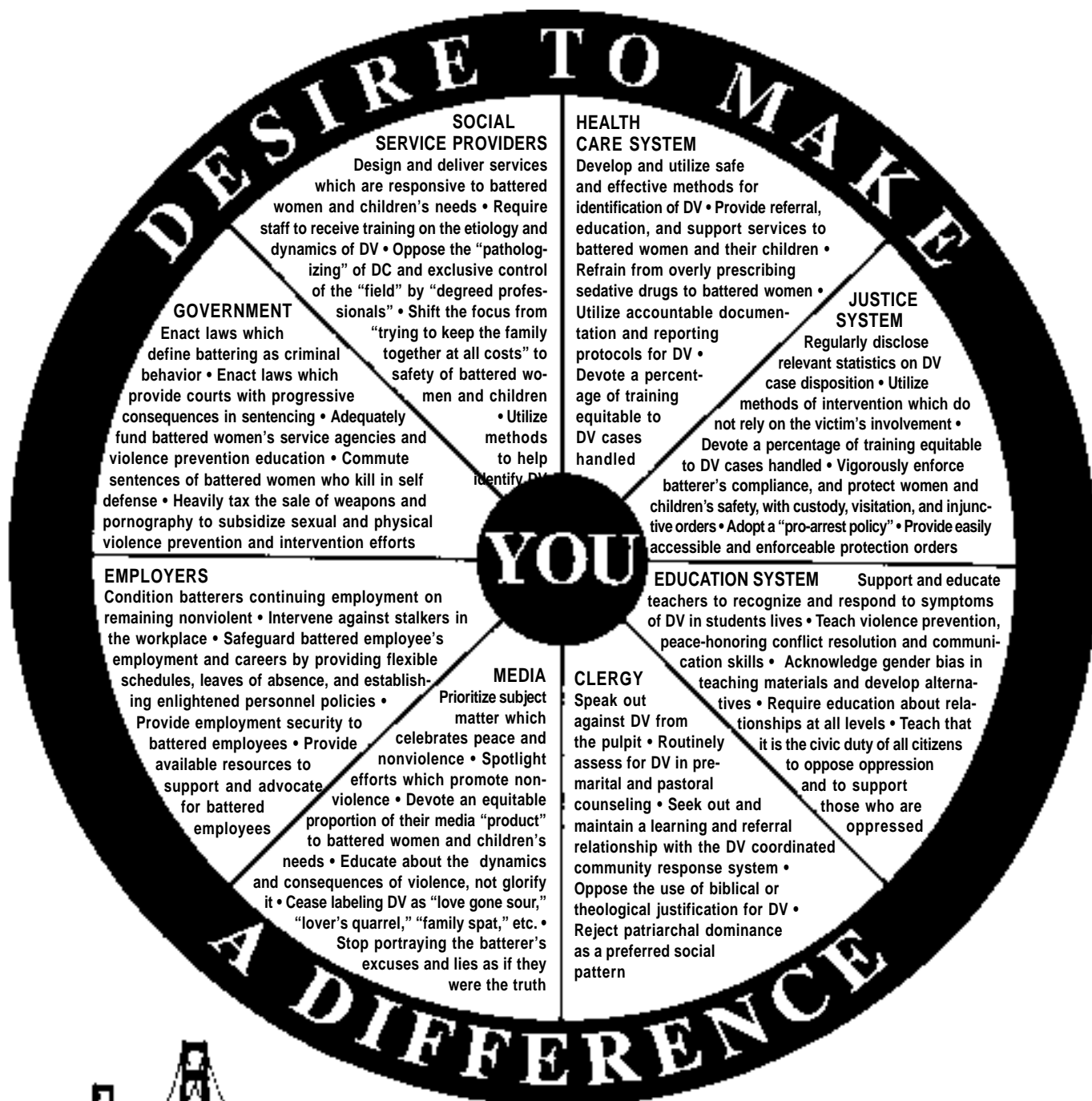
Equality Wheel

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APPENDIX O

COORDINATED COMMUNITY ACTION MODEL

This Model demonstrates, in abbreviated form, ways communities can accountably act to support battered women and children, and hold batterers accountable for their behavior. It is not a definitive representation. This Model primarily identifies heterosexual males as perpetrators of domestic violence (DV), as they comprise 95% of the batterers in this country. This Model was developed by Mike Jackson and David Garvin with the feedback of over 118 reviewers. We are grateful for their input, and acknowledge the Domestic Abuse Intervention Project for the wheel format. Permission to reproduce is given if there are no changes and credit is given. Please make copies and distribute them for your public education efforts (to obtain an 18 x 24 poster of this Model contact DVIM at 313 769-6334). We welcome your feedback for future editions. See pages 2-8 for more information.



DOMESTIC VIOLENCE INSTITUTE OF MICHIGAN
P.O. Box 130107, Ann Arbor, MI 48113-0107 (313) 769-6334

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APPENDIX P

MYTHS AND FACTS ABOUT DOMESTIC VIOLENCE

Myth #1: Domestic violence affects only a small percentage of the population and is rare.

Fact: National studies estimate that 3 to 4 million women are beaten each year in our country; 44,000 are beaten each year in New Hampshire. A study conducted in 1995 found that 31% of women surveyed admitted to having been physically assaulted by a husband or boyfriend. Domestic violence is the leading cause of injury to women between the ages of 15 and 44 in our country and the FBI estimates that a woman is beaten every 15 seconds. Thirty percent of female homicide victims are killed by partners or ex-partners and 1,500 women are murdered as a result of domestic violence each year in the United States. In New Hampshire, over 5,700 victims of domestic violence call crisis centers for help each year.

Myth #2: Domestic violence occurs only in poor, poorly educated and minority families.

Fact: Studies of domestic violence have consistently found that battering occurs among all types of families, regardless of income, profession, religion, ethnicity, educational level or race. However, lower income victims and abusers are overrepresented in calls to police, battered women's shelters and social services because of the lack of other resources.

Myth #3: The real problem is couples who assault each other. Women are just as violent as men.

Fact: While a well publicized study by Dr. Murray Strauss at the University of New Hampshire found that women use violent means to resolve conflict in relationships as often as men, the study also concludes that when you measure the context and consequences of the assaults, the majority of victims are women. The U.S. Department of Justice has found that 95% of the victims of spouse abuse are female. Men can be victims, but it is rare; fewer than 3% of the victims who contact crisis centers each year in NH are men.

Myth #4: Alcohol causes battering.

Fact: Although there is a high correlation between alcohol, or other substance abuse, and battering, it is not a causal relationship. Batterers use drinking as one of many excuses for their violence, and as a way to place the responsibility for their violence elsewhere. Stopping the abusers' drinking will not stop the violence. Both battering and substance abuse need to be addressed separately, as overlapping but independent problems.

Myth #5: Domestic violence is usually a one time, isolated instance.

Fact: Battering is a pattern of coercion and control which one person exerts over another. Battering is not just one physical attack. It includes the repeated use of a number of tactics, including intimidation, threats, economic deprivation, isolation and psychological and sexual abuse, used repeatedly. Physical violence is just one of those tactics. The various forms of abuse used by batterers all help to maintain power and control in their relationships.

Myth #6: Men who batter are often good fathers and should have joint custody of their children if the couple separates.

Fact: Studies have found that men who batter their wives also abuse their children in 70% of cases. Even when the children are not directly abused, they suffer from witnessing their father assault their mother. Batterers often display an increased interest in their children at the time of separation, as a means of maintaining contact with, and thus control over, their partners.

APPENDIX P (continued)

Myth #7: When there is violence in the family, all members of the family are participating in the dynamic, and therefore all must change for the violence to stop.

Fact: Only the batterer has the ability to stop the violence. Battering is a behavioral choice, for which the batterer must be held accountable. Many battered women make numerous attempts to change their behavior in the hope that this will stop the abuse. This does not work. Changes in family members' behaviors will not cause the batterer to be non-violent.

Myth #8: Battered women are masochistic and provoke the abuse. They must like it or they would leave.

Fact: Victim provocation is no more common in domestic violence than in any other crime. Battered women often make repeated attempts to leave violent relationships, but are prevented from doing so by increased violence and control tactics on the part of the abuser. Other factors which inhibit a victim's ability to leave include economic dependence, few viable options for housing and support, unhelpful responses from the criminal justice system or other agencies, social isolation, cultural or religious constraints, a commitment to the abuser and the relationship and fear of further violence. It has been estimated that the danger to a victim increases by 70% when she attempts to leave, as the abuser escalates his use of violence as he begins to lose control.

Myth #9: Men have a right to discipline their partners; battering is not a crime.

Fact: While our society derives from a patriarchal legal system that afforded men the right to physically chastise their wives and children, we do not live under such a system now. Women and children are no longer considered the property of men, as they were just a couple of centuries ago, and domestic violence is a crime in every state in the country.

APPENDIX Q

50+ REASONS A WOMAN DOESN'T LEAVE HER ABUSIVE PARTNER

1. She's tried to leave before
2. Her partner found her before
3. The children
4. Money
5. Fear
6. Relatives blame her
7. Therapists blame her
8. Police blame her
9. Clergy blame her
10. Her batterer blames her
11. She blames herself
12. No one believes she is being abused
13. She doesn't think she is being abused
14. Her partner was abused as a child
15. Her partner says, "I Love You."
16. Her Partner says, "I'm Sorry."
17. Her partner says, "I'm the best thing that 's ever happened to you."
18. Her partner says, "I'll never do it again."
19. Her partner says, "I'll kill you if you leave."
20. Her partner says, "I'll take the children."
21. Her partner says, "I'll kill myself if you leave."
22. She'll be homeless
23. The shelters are full
24. She believes the welfare system will abuse her worse
25. She loves her partner, not the abuse
26. Her partner loves her
27. The children love them both
28. Her father abused her
29. Her mother abused her
30. Her partner is an alcoholic
31. Her partner is a drug addict
32. She's an alcoholic
33. She's a drug addict
34. She can't speak English
35. She doesn't have papers to be in this country
36. She's in a wheelchair
37. She's deaf
38. She's developmentally disabled
39. She's blind
40. Her partner is her personal care attendant
41. Her partner is a public figure
42. She's a public figure
43. She can't read
44. She's afraid of the unknown
45. She's isolated
46. She's depressed
47. Her partner threatens to expose her as a lesbian
48. She's never told anyone
49. It's not the right time yet
50. She may be deported
51. Her childhood
52. Dissociation
53. Embarrassment
54. Religious beliefs
55. Leaving doesn't guarantee safety
56. She feels she has to "go along' with it, try to put it behind her and forget about it

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APPENDIX R

A FACT SHEET ON DOMESTIC VIOLENCE

- **Approximately 95% of the victims of domestic violence are women.**
Statistics, National Clearinghouse for the Defense of Battered Women, Ruth Peachey, M.D. 1988
- **Domestic violence is the leading cause of injury to women between the ages of 15 and 44 in the United States; more than car accidents, muggings and rapes combined.**
"Violence Against Women, A Majority Staff Report", Committee on the Judiciary United States Senate, 102nd Congress, October 1992, p.3
- **About 1 out of 4 women is likely to be abused by a partner in her lifetime.**
Sara Glazer, "Violence Against Women" CQ Researcher, Congressional Quarterly Inc., Volume 3, Number 8, February 1993, p. 171
- **One woman is beaten by her husband or partner every 15 seconds in the United States.**
Uniform Crime Reports, Federal Bureau of Investigation, 1991
- **One out of 4 women who attempt suicide are battered.**
"Battered Families... Shattered Lives", Georgia Department of Human Resources. Family Violence Teleconference Resource Manual, January 1992
- **Three to four million women in the United States are beaten in their homes each year by their husbands, ex-husbands or male lovers.**
"Women and Violence," Hearings before the U.S. Senate Judiciary Committee, August 29 and December 11, 1990, Senate Hearing 101-939, pt. 1, p. 12
- **Domestic violence ranks as one of the nation's most expensive health problems.**
American Medical News, American Medical Association. 1992
- **According to one study, family violence alone may cost the country as much as \$5 to \$10 billion every year in health care and associated costs.**
"The Response to Rape: Detours on the Road to Equal Justice". Committee on the Judiciary United States Senate. May 1993
- **Women of all cultures, races, occupations, income levels and ages are battered by husbands, boy-friends, lovers and partners.**
For Shelter and Beyond, Massachusetts Coalition of Battered Women Service Groups, Boston, MA 1990
- **Police report that between 40% and 60% of the calls they receive, especially on the night shift, are domestic disputes.**
Carrillo, Roxanna "Violence Against Women: An Obstacle to Development" Human Development Report, 1990
- **In murders of persons under age 12, the victims' parents accounted for 57% of the murderers. Eleven percent of all victims age 60 or older were killed by a son or daughter.**
"Murder in Families", Victims' Hotline, Fall 1994
- **Fifty percent of all homeless women and children in this country are fleeing domestic violence.**
Senator Joseph Biden, U.S. Senate Committee on the Judiciary, Violence Against Women: Victims of the System, 1991

APPENDIX R (continued)

- **It is estimated there are approximately 500,000 gay male victims and a similarly alarming number of lesbian victims of domestic violence annually.**
"Myths About Lesbian and Gay Domestic Violence". David Island and Patrick Letellier 1991
- **A recent survey of corporate security directors revealed that more than 90% of those surveyed had seen at least three cases of men stalking women employees. Domestic violence was rated as a "high" security problem.**
Family Violence Prevention Fund, Fall/Winter 1994
- **Forty percent of assaults on women by their male partners begin during the first pregnancy, pregnant women are at twice the risk of battery than non-pregnant women. Fifteen to 25% of pregnant women are battered. As a result, these women are 4 times more likely to bear infants of low birth weight and have an increased risk of miscarriage or injury to the child.**
Martin, S.R., Holsapfels, S. and Baker, P. (1992). Wife Abuse: Are We Detecting It? Journal of Women's Health 1(1), 77-80
Evan Stark and Anne Flitcraft, 1992
U.S. Senate, Committee on the Judiciary (August 29 and December 11, 1990)
Hearings on Women and Violence, "Ten Facts about Violence Against Women" p. 78
- **Half of female homicide and manslaughter victims were killed by male partners. Women serving a sentence for a violent offense were about twice as likely as their male counterparts to have committed their offense against someone close to them (36% versus 16%). Women charged in the death of a mate have the least extensive criminal records of any female offenders.**
"Battered Families...Shattered Lives", Georgia Department of Human Resources,
Family Violence Teleconference Resource Manual, January 1992
Bureau of Justice Statistics, Special Report, Survey of State Prison Inmates, 1991
"Women's Rights as Human Rights: Toward a Re-vision of Human Rights" Schneider, E.M. and Jordan, S.B. (1981) Women's Self-defense Cases: Theory and Practice. Charlottesville, VA: The Michie Company Law Publishers.
- **Domestic violence is not only physical and sexual violence but also psychological. Psychological violence means intense and repetitive degradation, creating isolation, and controlling the actions or behaviors of the spouse through intimidation or manipulation to the detriment of the individual.**
"Five Year State Master Plan for the Prevention of and Service for Domestic Violence". Utah State Department of Human Services. January 1994
- **The 14 member groups of the NH Coalition Against Domestic and Sexual Violence serve battering and rape victims with 24-hour crisis lines, emergency shelter, counseling, support groups and help dealing with police, medical and court personnel. In 1994, Coalition member groups assisted 5,686 battered women, 138 battered men and provided shelter for 737 women and children and one man. They helped hundreds of women obtain restraining orders against their abusers.**

For information or help, within New Hampshire call 1-800-852-3388

outside NH call (603) 225-9000

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

PO BOX 353 CONCORD, NH 03302-0353 603-224-8893

APPENDIX S

A FACT SHEET ON THE EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN

- **In general, 70% of men who abuse their female partners also abuse their children.**
Arbitrell Bowker and McFerron, "On the Relationship Between Wife Beating and Child Abuse", Feminist Perspectives on Wife Abuse, Kersti Yllo and Michelle Bogard, eds. 1988
- **Nearly 70% of the children who go to shelters for battered women are victims of abuse or neglect.**
Jean I Layzer, Barbara D. Goodson and Christine Delange "Children in Shelters", Response. Volume 9, Number 2, 1986
- **3.3 million children in the United States, between ages 3 and 17 years, are yearly at risk of exposure to marital violence.**
Peter Jaffe, David Wolfe and Susan Kaye Wilson (1990) Children of Battered Women. Newbury Park. CA: Sage Publications
- **Studies of abused children in the general population reveal that nearly half of them have mothers who are also abused, making wife abuse the single strongest identifiable risk for child abuse.**
Lenore Walker, Ed.d The Battered Woman Syndrome, New York: Springer Publishing Company, Inc. 1979
- **In 1992, an estimated 1,261 children died from abuse or neglect. This means that more than 3 children died each day in the United States as a result of maltreatment.**
National Committee for Prevention of Child Abuse, 1993
- **In a study of juvenile offenders, 63% of those incarcerated for murder had killed the men who had beaten their mothers.**
Peggy Sissel, Public Education Coordinator with the National Coalition Against Domestic Violence
- **A comparison of delinquent and nondelinquent youth found that a history of family violence or abuse was the most significant difference between the two groups.**
G. Miller (1989) "Violence By and Against America's Children", Journal of Juvenile Justice Digest, XVII (12). p.6
- **Boys who witness family violence are more likely to batter their female partners as adults than are boys raised in non-violent homes.**
- **Girls who witness their mother's abuse have a higher rate of being battered as adults.**
"Battered Families...Shattered Lives", Georgia Department of Human Resources.
Family Violence Teleconference Resources Manual, January 1992
- **Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate 1500% higher than the national average in the general population.**
National Woman Abuse Prevention Project, Washington D.C.
- **As violence against women becomes more severe and more frequent in the home, children experience a 300% increase in physical violence by the male batterer.**
M. Strauss and R. Gelles, Physical Violence in American Families. 1990
- **Children from violent families can provide clinicians with detailed accounts of abusive incidents their parents never realized they had witnessed.**
Peter Jaffe, David Wolfe and Susan Kaye Wilson (1990) Children of Battered Women. Newbury Park. CA: Sage Publications
- **Batterers may abduct their children as a way of retaliating against their former spouses or partners.**

APPENDIX S (continued)

- It has been estimated that in more than half of the kidnappings of children by parents in this country, the abductions occur in the context of domestic violence.
- In most cases, parents who are searching for their child, abducted by the other parent, are white, female, have reported a history of domestic violence and are the custodial parent.
Geoffrey Greif and Rebecca Hegar, "When Parents Kidnap: The Families Behind the Headlines", 272, 1992
- Sixty-two percent of sons over age 14 were injured when they attempted to protect their mothers from attacks by abusive male partners.
- Interviews with children living in battered women's shelters show that, within a one year period, 85% of these children had stayed twice with friends or relatives, and 75% over age 15 had run away at least twice.
Maria Roy, Children in the Crossfire, 1988
- In homes where domestic violence occurs, fear, instability, and confusion replace the love, comfort, and nurturing that children need. These children live in constant fear of physical harm from the person who is supposed to care for and protect them. They may feel guilt at loving the abuser or blame themselves for causing the violence.
"Domestic Violence, Understanding A Community Problem", National Woman Abuse Prevention Fund
- The 14 member groups of the NH Coalition Against Domestic and Sexual Violence serve battering and rape victims with 24-hour crisis lines, emergency shelter, counseling, support groups and help dealing with police, medical and court personnel. In 1994, Coalition member groups assisted 5,686 battered women, 138 men and provided shelter to 737 women and children and one man. They helped hundreds of women obtain restraining orders against their abusers.

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APPENDIX T

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APPENDIX U

I. CHAPTER 173-B

PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

Last revisions effective 1 January 1995

173-B:1 Definitions. As used in this chapter:

- I. "Abuse" means the occurrence of one or more of the following acts between family or household members or current or former sexual or intimate partners:
 - (a) Attempting to cause or purposely or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon under any of the circumstances outlined in RSA 631:1, 631:2, or 631:2-a;
 - (b) Placing or attempting to place another in fear of imminent bodily injury either by physical menace or by threats to commit a crime against the person of the other, as outlined in RSA 631:4;
 - (c) Attempting to or engaging in sexual penetration with another under any of the circumstances outlined in RSA 632-A:2;
 - (d) Attempting to or committing kidnapping, criminal restraint or false imprisonment under any of the circumstances outlined in RSA 633:1 to 633:3;
 - (e) Attempting to or committing destruction of the property of any person eligible for protection from domestic violence under any of the circumstances outlined in RSA 634:1 or 634:2;
 - (f) Attempting to or committing an unauthorized entry on the property of a person eligible for protection from domestic violence under any of the circumstances outlined in RSA 635:1 or 635:2.
- II. "Family or Household Member" means:
 - (a) Spouses, ex-spouses, persons cohabiting with each other, persons who cohabited with each other but who no longer share the same residence; and
 - (b) Parents and other persons related by consanguinity or affinity other than minor children who reside with the defendant.
- III. Repealed
- IV. "Intimate partners" means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.
- V. "Intimidating", used solely in RSA 173-B:4, I(a)(4) and RSA 173-B:6, V means:
 - (a) Commission or attempted commission of harassment as defined in RSA 644:4;
 - (b) Commission or attempted commission of assault or reckless conduct as defined in RSA 631:1 to 631:3;
 - (c) Commission or attempted commission of criminal threatening as defined in RSA 631:4;
 - (d) Commission or attempted commission of sexual assault as defined in RSA 632-A:2 to 632-A:4;

- (e) Commission or attempted commission of interference with freedom as defined in RSA 633:1 to 633:4;
- (f) Commission or attempted commission of destruction of property as defined in RSA 634:1 or 634:2;
- (g) Commission or attempted commission of an unauthorized entry as defined in RSA 635:1 or 635:2; or
- (h) Engaging in any other course of conduct with the intention of deliberately physically or emotionally harming or placing in fear a person entitled to protection from domestic violence.

173-B:2 Jurisdiction and Venue.

- I. All district courts shall have concurrent jurisdiction with the superior court over all proceedings under this chapter.
- II. If the plaintiff has left the residence or household to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 173-B:3 in the county or district where the plaintiff temporarily resides. Proceedings under this chapter may be transferred to another court upon the motion of any party or the court as the interests of justice or the convenience of the parties may require.

173-B:3 Commencement of Proceedings; Hearing.

- I. Any person may seek relief pursuant to RSA 173-B:4 by filing a petition in the county or district where the plaintiff or defendant resides alleging abuse by the defendant. Notice of the pendency of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph II. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the court for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be provided to the plaintiff by the court.
- I-a. (a) The minority of the petitioner shall not preclude the court from issuing protective orders against an intimate partner, spouse, or former spouse, under this chapter. For purposes of this paragraph only, "intimate partner" shall not include persons related to the petitioner by either consanguinity or affinity.
- (b) A minor petitioner need not be accompanied by a parent or guardian to receive relief or services under this chapter.
- II. No filing fee or fee for service of process shall be charged for a petition under paragraph I and the plaintiff may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.
- III. The clerks of the district and superior courts shall supply forms for petitions for relief under this chapter designed to facilitate pro se proceedings.
- IV. Upon entry of any action in a district court, where the court determines that there is pending in the superior court a cause arising out of the same situation on which the district court action is based, the cause shall be transferred to the superior court to be heard and tried as if originally entered in the superior court, unless the district court determines that the interests of justice or expediency require the district court to exercise jurisdiction. Any transfer to the superior court under this paragraph shall be made as soon as practicable following entry of the action.
- V. The finding of facts shall be final but question of law may be transferred to the supreme court in the same manner as from the superior court.

- VI. The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.
- VII. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence which it considers relevant and material.

173-B:4 Relief.

- I. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse, which relief may include:
- (a) Protective orders:
- (1) Directing the defendant to refrain from abusing or interfering in any way with the person or liberty of the plaintiff.
 - (2) Enjoining the defendant from entering the premises wherein the plaintiff resides unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.
 - (3) Enjoining the defendant from contacting the plaintiff at, or entering plaintiff's place of employment or school.
 - (4) Enjoining the defendant from harassing, intimidating, or threatening the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.
 - (5) Enjoining the defendant from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest.
- (b) Other relief:
- (1) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, and automobile unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children;
 - (2) Awarding temporary custody of the parties' minor children to either party, or, where appropriate to the division of human services, provided that
 - (i) Where custody of the parties' minor children may be appropriate with the division of human services, the division of human services shall receive actual notice of the hearing 10 days prior to said hearing, provided that, if necessary, said hearing may be continued 10 days to provide the division adequate notice;
 - (ii) The division of human services may move at any time to rescind their custody of the parties' minor children;
 - (3) Establishing temporary visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children;
 - (4) Directing the defendant to pay financial support to the plaintiff or minor children unless the defendant has no legal duty to support the plaintiff or minor children;
 - (5) Directing the abusing party to engage in batterer's treatment or personal counseling. If available, such treatment and counseling program shall focus on alternatives to aggression. The court shall not direct the abused party to engage in joint counseling services with the defendant.

- (6) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, out-of-pocket losses for injuries sustained, moving and shelter expenses, and reasonable attorney's fees.
- I-a. Previous reconciliation prior to filing the current action shall not be grounds for denying or terminating a protective order.
- II. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169:B, 169:C or 169-D; support or custody made under RSA 458; or title to real or personal property.
- III. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation which accrued prior to the expiration of the protective order.
- IV. Both parties shall be issued written copies of any orders issued by the court and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.
- V. No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.
- VI. (a) A copy of each protective order issued under this chapter may be transmitted to the Department of Safety by computer. An emergency protective order issued telephonically may be transmitted to the Department of Safety by telephone or facsimile.
 - (b) The State Police shall make information regarding the protective order available to the arresting police department and police and sheriff departments statewide.
 - (c) The issuing court shall notify the division of State Police upon expiration or termination of a protective order.
 - (d) Notwithstanding any other provision of law, the Department of Safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable under this chapter, provided they are acting in good faith and *(without gross negligence, and) within the scope of their duties and authority.

173-B:5 Guardian Ad Litem.

In all proceedings under this chapter the court may appoint a guardian ad litem to represent the interests of the children of either or both parties. Said guardian ad litem may continue to serve after the final disposition of the case.

173-B:6 Temporary relief.

Upon a showing of an immediate and present danger of abuse, the court may enter such temporary orders as it deems necessary to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile during times other than regular court business hours. Such telephonically issued orders may be made by a district or superior court judge to a law enforcement officer, and shall be valid in any jurisdiction in the state and shall be effective until the close of the next regular court business day. Such order shall be returnable to the district court where the plaintiff

resides or has fled to, unless otherwise ordered by issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing thereon. Such hearing shall be held no later than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3,IV. Such temporary relief may include:

- I. As a protective order, directing the defendant to refrain from abusing or interfering in any way with the person or liberty of the plaintiff;
- II. As a protective order, restraining the defendant from entering the residence where the plaintiff resides except when the defendant is accompanied by a peace officer and wishes to enter for the sole purpose of retrieving his personal property;
(*deleted 6/2/94)
- III. As a protective order, awarding custody of minor children to either party or, upon actual notice, to the division of human services when in the best interest of a child;
- IV. As a protective order, restraining the defendant from contacting the plaintiff at, or entering, plaintiff's place of employment or school;
- V. As a protective order, restraining the defendant from harassing, intimidating, or threatening the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way;
- VI. As a protective order, restraining the defendant from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest; and
- VII. As a protective order, directing the defendant to temporarily relinquish to the peace officer any or all deadly weapons, as defined in RSA 625:11,V, in the control, ownership or possession of the defendant which may have been used, or threatened to be used, or could be used, in an incident of abuse against the plaintiff or any member of the plaintiff's household. If a court issues a protective order pursuant to this paragraph, it may subsequently issue a search warrant authorizing the peace officer to seize said deadly weapon or weapons, if there is probable cause to believe that such deadly weapon or weapons are kept at the residence of the defendant, and if the court has reason to believe that all such deadly weapons have not been relinquished by the defendant. Such protective order may authorize the peace officer to enter the defendant's residence for the limited purpose of serving the order and, when appropriate, for the purpose of locating and seizing the deadly weapon or weapons named in the warrant.

173-B:7 Notification.

- I. A copy of any order made under this chapter which prohibits any person from abusing or interfering with the person or liberty of another or which affects either party's access to or possession of either party's residence shall be transmitted forthwith to the local law enforcement agency having jurisdiction to enforce said order. Orders shall be promptly served on the defendant by a peace officer. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.
- II. Any court-ordered changes or modifications of the order shall be effective upon entry of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local law enforcement agency within 24 hours of the entry of such changes or modifications.

173-B:8 VIOLATION OF PROTECTIVE ORDER; PENALTY.

- I. (a) Irrespective of whether the plaintiff chooses to pursue the contempt remedies in paragraph II, when the defendant violates either a temporary or permanent protective order issued or enforced under this chapter by committing assault, criminal trespass, criminal mischief, stalking, violation

of a protective order issued pursuant to RSA 173-B:8, III, or another criminal act, peace officers shall arrest the defendant, detain the defendant pursuant to RSA 594:19-A and refer the defendant for prosecution. Such arrests may be made within 6 hours without a warrant upon probable cause whether or not the violation is committed in the presence of a peace officer.

- (b) Subsequent to an arrest, the peace officer shall seize any deadly weapons in the control, ownership or possession of the defendant which may have been used or threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the weapons until the court issues an order directing that the weapons be relinquished and specifying the person to whom the weapons shall be relinquished.
- II. (a) Upon notice to the court by the plaintiff, someone designated by the plaintiff, or any peace officer alleging that the defendant has violated any protective order issued under this chapter, the court shall issue a summons to the defendant, requiring the defendant to appear within 14 days for a hearing on whether he should be found in civil or criminal contempt of court and punished therefor. Any such hearing may be held by the court in any county or district in which the plaintiff or defendant temporarily or permanently resides at the time of the alleged violation.
- (b) A hearing on a charge or allegation of criminal contempt shall not preclude a hearing on other criminal charges underlying the contempt, nor shall a hearing on other criminal charges preclude a hearing on a charge of criminal contempt.
- III. A person is guilty of a misdemeanor if such person knowingly violates a protective order issued under RSA 173-B or RSA 458:16, III or any similar protective order issued by any other state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

173-B:9 Protection by Peace Officers.

Whenever any peace officer has reason to believe that a person has been subject to abuse as defined in RSA 173-B:1, I, that officer shall use all means within reason to prevent further abuse. Pursuant to RSA 594:10 an arrest for abuse may be made without a warrant upon probable cause whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person whom the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved and any history of domestic abuse between these persons, if that history can reasonably be ascertained by the officer.

173-B:10 Notice to the victim.

- I. Notwithstanding the peace officer's obligations in RSA 173-B:8, all peace officers shall give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the abusive person and to sign a criminal complaint at the police station.
- II. It shall be the responsibility of the clerk of the court to advise victims that they may request that the judge issue an order:
- (a) Restraining the abusive person from abusing the victim;
 - (b) Directing the abusive person to leave the household;
 - (c) Giving the victim custody of any minor children;

- (d) Directing the abusive person to support the victim and any minor children if the abusive person has a legal responsibility to support either or both;
- (e) Restraining the abusive person from harassing, intimidating or threatening the victim or victim's relatives or household members in any way;
- (f) Restraining the abusive person from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest;
- (g) Directing the abusive person to temporarily relinquish to the peace officer any deadly weapons in the control, ownership or possession of the defendant which may have been used, or been threatened to be used, in an incident of abuse against the victim or any member of the victim's household; or
- (h) Directing the abusive person to pay the victim monetary compensation for losses suffered as a result of the abuse which may include, but may not be limited to, loss of earnings or support, medical or dental expenses, out-of-pocket losses for injuries sustained, moving and shelter expenses, and reasonable attorney's fees.

173-B:11 Emergency Care: Limitation of Liability.

Any act or omission of any peace officer rendering emergency care or assistance to a victim of domestic violence including but not limited to transportation to medical facilities, shall not impose civil liability upon the peace officer or his supervisors or employer if the care or assistance is rendered in good faith unless the act or omission is a result of gross negligence or willful misconduct.

173-B:11-a Orders enforceable.

- I. Any protective order issued under this chapter shall be effective throughout the state, in all districts and counties.
- II. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children, including but not limited to actions for divorce, pursuant to RSA 458; custody, pursuant to RSA 458; paternity, pursuant to RSA 168-A; child support, pursuant to RSA 161-B, RSA 161-C and RSA 458; reimbursement of public assistance, pursuant to RSA 161-C; and the uniform reciprocal enforcement of support act, pursuant to RSA 546; shall take judicial notice of any support obligation established pursuant to RSA 173-B:4 I(b)(4), upon the filing of a certified copy of the district court order in the superior court by:
 - (a) Either party to the domestic violence proceeding;
 - (b) The division of human services; or
 - (c) Any other agency or person legally entitled to enforce the obligation of support for the minor children.
- III. Any superior court order for financial support shall include enforcement of any duly filed district court order from the date of filing forward, and shall include enforcement of any arrears which have been:
 - (a) Reduced to judgment by the district court;
 - (b) Documented by the division of human services pursuant to an order to make payable through the division; or
 - (c) Documented by the obligee in a notarized statement, provided that the obligor shall have 30 days to object and request a hearing on the issue of arrears.

173-B:11-b Foreign Protective Orders Enforceable.

- I. Any protective order issued by any other state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia shall be given full faith and credit throughout the state, in all districts and counties, provided that such an order is similar to a protective order issued under RSA 173-B:4, I(a)(1)-(4) or an order issued under RSA 458:16, I, II or III.
- II. A foreign protective order as defined in paragraph I shall be enforceable in this state as long as it is in effect in the issuing state.
- III. A person entitled to protection under a foreign protective order as defined on paragraph I may file such order in any district court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protective order available.
- IV. A peace officer may rely upon a copy of any protective order issued under this chapter, RSA 458, or a foreign protective order as defined in this section, which has been provided to the peace officer by any source.
- V. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect.

DOMESTIC VIOLENCE GRANT PROGRAM

173-B:12 Definitions. In this subdivision:

- I. "Coordinator" means the agency or organization appointed by the director to administer the domestic violence grant program.
- II. "Director" means the director of the division of human services, department of health and human services.
- III. "Division" means the division of human services, department of health and human services.
- IV. "Domestic violence" means abuse as defined in RSA 173-B:1,I.
- V. "Family or household member" means spouse, a former spouse, person living with another person, whether or not as spouse, parent, or other adult person related by consanguinity or affinity, who is residing or has resided with the person committing the domestic violence and dependents of such persons.
- VI. "Fund" means the special fund for domestic violence programs established by RSA 173-B:13
- VII. "Grantee" means any private, town, city, or regional agency or organization applying for funds.
- VIII. "Program" means services or facilities provided to domestic violence victims.

173-B:13 Fund for Domestic Violence Programs.

There is hereby established a special fund for domestic violence programs. The sole purpose of the fund shall be to provide revenues for the domestic violence grant program, as provided in RSA 173-B:14, and said moneys shall not be available for any other purpose. The state treasurer shall deposit all fees received under RSA 457:29 in the fund. All moneys deposited in the fund are continually appropriated for the purposes of the domestic violence grant program and shall not lapse.

173-B:14 Grant Program Established.

There is hereby established a grant program within the division for the allocation of grant money to New Hampshire programs which provide aid and assistance to victims of domestic violence. The grant program shall be funded by the fund established under RSA 173-B:13.

173-B:15 Duties of the Director.

The director shall:

- I. Administer the grant program established in RSA 173-B:14, through a coordinator. The costs of administration shall be covered by the fund, not to exceed 8 percent.
- II. Adopt rules under RSA 541-A relative to procedures under which interested New Hampshire programs may apply for funding.
- III. Appoint the coordinator.
- IV. Enter into a contract with the coordinator, subject to the approval of the governor and council.

173-B:16 Selection of Coordinator.

The director shall be satisfied that the organization or agency chosen as the coordinator shall be qualified to provide at least those services listed in RSA 173-B:18.

173-B:17 Compensation for Coordinating Domestic Violence Grant Program.

Compensation for the functions and duties of coordinating the program shall not exceed 30 percent of the total revenues of the fund.

173-B:18 Duties of Coordinator.

The coordinator shall be a statewide organization or agency which has demonstrated its ability, at a minimum:

- I. To serve as a clearinghouse for information relating to domestic violence.
- II. To conduct educational programs on domestic violence, both for the general public and for specialized interest groups, such as law enforcement and medical personnel.
- III. To provide technical assistance, in the areas of budget, management, and other such skills, to local domestic violence programs.
- IV. To enlist the assistance of public and voluntary health, education, welfare, legal, and rehabilitation agencies in a concerted effort to prevent domestic violence.
- V. To provide coordination and supervision of programs.
- VI. To assist the director in the administration of the fund.
- VII. To publicize the availability of the fund, the date by which applications must be received, and to act on all applications within 45 days of the application deadline.
- VIII. To notify each agency or organization in writing whether or not it is eligible for funds, and to specify the amount available.
- IX. To publicize the availability of domestic violence programs to the public.

- X. To provide training for court advocates and social services agency advocates to accompany domestic violence victims.
- XI. To apply for and receive any federal funds for which this program would be eligible.
- XII. To ensure as far as possible that grants are awarded on a reasonable geographical basis throughout the state.
- XIII. To obtain and evaluate reports from each grantee, at least annually, on its operations under this sub-division.

173-B:19 Criteria for Selection of Direct Service Grantees.

The director shall use all of the following criteria for selecting grantees:

- I. A grantee's ability to provide direct services to victims of domestic violence:
 - (a) Shelter on a 24 hours a day, 7 days a week basis, or safe homes.
 - (b) A 24 hours a day, 7 days a week switchboard for crisis calls.
 - (c) Temporary housing and food facilities.
 - (d) Psychological support and peer counseling.
 - (e) Referrals to existing services in the community and follow up on the outcome of the referrals.
 - (f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, or who have found other shelter but who have a need for support services.
 - (g) Arrangements for school age children to continue their education during their stay at the center.
 - (h) Emergency transportation to shelter, and when appropriate, arrangements with local law enforcement for assistance in providing such transportation.
 - (i) Trained court advocates and social service agency advocates to accompany domestic violence victims.
- II. A grantee shall be a private, or private nonprofit organization, or a public agency.
- III. A grantee shall demonstrate the need for the services proposed by the program.
- IV. A grantee shall establish its ability to secure community support and its efficiency of administration.
- V. A grantee shall receive at least 50 percent of its funding from sources other than the fund, including town, city, county, federal, or private sources. Contributions in kind, whether material, commodities, transportation, office space, or personal services, may be evaluated and counted as part of the required non-state funding.

173-B:20 Evaluation Board.

- I. There is established a board of 3 members, all of whom shall have experience and knowledge with regard to the problems of domestic violence. The board shall evaluate the domestic violence grant program.
- II. The governor and council shall appoint the members, who shall each serve a term of 3 years with each term to begin January 1 and to end December 31, except that the first appointees shall serve according to the following provision: one member shall serve a one-year, one member shall serve a 2-year term, and one member shall serve a 3-year term.

173-B:21 Confidentiality.

All persons who are employed, appointed, or who volunteer under this subdivision shall maintain confidentiality with regard to persons served by the coordinator and grantees and files kept by the coordinator and grantees.

173-B:22 Referral.

Where centers are available, any law enforcement officer who investigates an alleged incident of domestic violence may advise the person subject to such violence of the availability of programs from which he or she may receive services.

173-B:23 Rights Reserved.

A defendant shall not be prejudiced by the court having jurisdiction under RSA 173-B for having left the residence or household to avoid further domestic violence.

173-B:23-a Minority Not a Preclusion for Services.

The minority of any individual seeking assistance from any domestic violence program approved to receive funds under this chapter shall not preclude provision of such requested services, and the administration of such services to a minor shall not affect the status of the program with regard to its eligibility to receive funding under this chapter.

173-B:24 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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II. RSA 173-C

CONFIDENTIAL COMMUNICATIONS BETWEEN VICTIMS AND COUNSELORS (Last Amendments effective 2 June, 1994.)

173-C:1 Definitions. In this chapter:

- I. "Confidential communication" means information transmitted between a victim, as defined in paragraph VI, of an alleged sexual assault or alleged domestic abuse, and a sexual assault or domestic violence counselor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The presence of an interpreter for the hearing impaired, a foreign language interpreter, or another interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege. The term includes all information received by the sexual assault or domestic violence counselor in the course of that relationship.
- II. "Domestic violence center" means any organization or agency which would qualify as a direct service grantee under RSA 173-B:19.
- III. "Domestic violence counselor" means any person who is employed or appointed or who volunteers in a domestic violence center who renders support, counseling, or assistance to victims of domestic abuse or attempted domestic abuse, who has satisfactorily completed 30 hours of training in a bona fide program which has been developed by a center as defined in RSA 173-C:1, II.
- IV. "Rape crisis center" means any public or private agency, office, or center that primarily offers assistance to victims of sexual assault and their families and provides all the following services:
 - (a) Crisis intervention to victims of sexual assault 24 hours per day.
 - (b) Support services to victims of sexual assault by trained volunteers and during the hospital examination, police investigation, and court proceedings.
 - (c) Referral of victims of sexual assault to public and private agencies offering needed services.
 - (d) The establishment of peer counseling services for the victims of sexual assault.
 - (e) The development of training programs and the standardization of procedures for law enforcement, hospital, legal and social service personnel to enable them to respond appropriately to the needs of victims.
 - (f) The coordination of services which are being provided by existing agencies.
 - (g) Education of the public about the nature and scope of sexual assault and the services which are available.
 - (h) Development of services to meet the needs of special populations, for example, children, the elderly, and minorities.
 - (i) Court advocacy through the criminal justice system.
- V. "Sexual assault counselor" means any person who is employed or appointed or who volunteers in a rape crisis center who renders support, counseling, or assistance to victims of sexual assault or attempted sexual assault, who has satisfactorily completed 30 hours of training in a bona fide program which has been developed by a rape crisis center as defined in RSA 173-C:1, IV.
- VI. "Victim" means any person alleging sexual assault under RSA 632-A or domestic abuse as defined in RSA 173-B:1 who consults a sexual assault counselor or a domestic violence counselor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual assault or domestic abuse or an alleged attempted sexual assault or domestic abuse.

173-C:2 Privilege.

- I. A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a sexual assault counselor or a domestic violence counselor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim.
- I.a. The privilege and confidentiality under paragraph I shall extend to any third person present for the benefit of the victim including, but not limited to, an interpreter or someone assisting a victim who is physically challenged or to coparticipants in the counseling of the victim.
- II. Persons prevented from disclosing a confidential communication or record pursuant to paragraph I shall be exempt from the provisions of RSA 631:6.

173-C:3 Assertion or Waiver of Privilege.

The privilege may be claimed or waived in all civil, administrative, and criminal legal proceedings, including discovery proceedings, by the following persons:

- (a) The victim or an attorney of the victim's behalf.
- (b) The guardian of the victim, if the victim has been found incompetent by a court of competent jurisdiction.
- (c) A minor victim who is emancipated, married, or over the age of 15, unless, in the opinion of the court, the minor is incapable of knowingly waiving the privilege. A guardian ad litem shall be appointed in all cases in which there is a potential conflict of interest between a victim under the age of 18 and his parent or guardian.

173-C:4 Partial Waiver.

Waiver as to a specific portion of communication between the victim and the counselor shall not constitute a waiver of the privilege as to other portions of the confidential communication between victim and counselor, relating to the alleged crime.

173-C:5 Limitation on the Privilege; Criminal Proceedings.

In criminal proceedings when a defendant seeks information privileged under this chapter in discovery or at trial, the procedure below shall be followed:

- I. A written pretrial motion shall be made by the defendant to the court stating that the defendant seeks discovery of records of a rape crisis center or domestic violence center or testimony of a sexual assault counselor or domestic violence counselor. The written motion shall be accompanied by an affidavit setting forth specific grounds as to why discovery is requested and showing that there is a substantial likelihood that favorable and admissible information would be obtained through discovery or testimony. No discovery or hearing shall occur pursuant to the information sought to be disclosed for at least 3 business days after the filing of a motion for disclosure.
- II. The only information subject to discovery from the records of a rape crisis center or a domestic violence center or which may be elicited during the testimony of a sexual assault or domestic violence counselor are those statements of the victim which relate to the alleged crime being prosecuted in the instant trial.
- III. Prior to admission of information at deposition, trial, or other legal proceeding, when a claim of privilege has been asserted and whether or not the information was obtained through discovery, the burden of proof shall be upon the defendant to establish by a preponderance of the evidence that:

- (a) The probative value of the information, in the context of the particular case, outweighs its prejudicial effect on the victim's emotional or physical recovery, privacy, or relationship with the counselor or the rape crisis or domestic violence center.
 - (b) That the information sought is unavailable from other source.
 - (c) That there is a substantial probability that the failure to disclose that information will interfere with the defendant's right to confront the witnesses against him and his right to a fair trial.
- IV. The trial court shall review each motion for disclosure of information on a case by case basis and determine on the totality of the circumstances that the information sought is or is not subject to the privilege established in RSA 173-C:2. In finding that the privilege shall not apply in a particular case, the trial court shall make written findings as to its reasons therefore.
- V. The records and testimony of a rape crisis center or domestic violence center shall be disclosed solely to the trial judge to determine, as a matter of law, whether the information contained in the records or testimony is admissible under this chapter.
- VI. That portion of any record and testimony of a rape crisis center or domestic violence center which is not disclosed to the defendant shall be preserved by the court under seal for appeal. For the purpose of preservation, a copy of the record shall be retained with the original released to the center. Costs of duplication shall be borne by the defendant.
- VII. If, after disclosure of privileged information, the court upholds the privilege claim, the court shall impose a protective order against revealing any of the information without the consent of the person authorized to permit disclosure.

173-C:6 Location of Centers Privileged.

Notwithstanding any other provisions of this chapter, the location and the street address of a rape crisis center or domestic violence center are absolutely privileged.

173-C:7 Involuntary Waiver.

The privilege established by this chapter shall not apply when the sexual assault counselor or the domestic violence counselor has knowledge that the victim has given perjured testimony and when the defendant has made an offer of proof that there is probable cause to believe that perjury has been committed.

173-C:8 Failure to Testify.

Failure of any person to testify as a witness pursuant to the provisions of this chapter shall not give rise to an inference unfavorable to the prosecution or the defense.

173-C:9 Appeal.

The victim shall have a right to interlocutory appeal to the supreme court from any decision by a court to require the disclosure of records or testimony of a rape crisis or domestic violence center or sexual assault or domestic violence counselor.

173-C:10 Counselor's Duty to Report Child Abuse.

The domestic violence or sexual assault counselor shall have the same reporting duties under RSA 169-C:29 as other professionals, providing that this duty shall not apply where a minor is seeking relief pursuant to RSA 173-B:3 for abuse by a spouse or former spouse of the minor, or by an intimate partner who is not related to the minor by consanguinity or affinity. As used in this section, "abuse" and "intimate partners" shall be as defined in RSA 173-B:1.

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APPENDIX V

Memo to: All Law Enforcement Agencies
From: Jeffrey R. Howard, Attorney General
Date: December 28, 1995
Subject: Emergency Response Procedures to Critical Incidents Involving Children

The enclosed protocol and procedures were written in response to recent tragic domestic homicides in New Hampshire that have left children either without parents or severely traumatized after witnessing the murder of one parent by the other.

Although domestic violence provided the reason for writing this clarification, these procedures apply to children experiencing trauma from a variety of sources. This protocol is a result of an interdisciplinary effort involving The Office of the Attorney General, The New Hampshire Coalition Against Domestic and Sexual Violence, The Division for Children, Youth and Families, The Division of Mental Health, The U.S. Attorney's Office and Helpline. It has been written to help clarify already existing procedures and to confirm the proper handling of these cases by law enforcement agencies.

I am requesting that you review this protocol and incorporate it into the standard operating procedures of your department. If you have any questions, please contact Sandra Matheson, Director of the Office of Victim/Witness Assistance for the Department of Justice at 271-3671.

Thank you for your efforts to better meet the needs of children who have been exposed to trauma that, left unacknowledged, could cause severe consequences in adult life.

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PROCEDURES FOR EMERGENCY RESPONSE TO CRITICAL INCIDENTS INVOLVING CHILDREN

Note: These procedures are not intended to be used in situations where children are victims of crime, or where existing emergency protocols are already in place (i.e. hospital based crisis response programs). Additionally, it is acknowledged that in some specific cases, the needs identified in this protocol will already have been met by family, friends or church before law enforcement arrives.

Children have been called the forgotten victims of domestic violence. Up to 3.3 million children in the United States are yearly at risk of exposure to parental violence. When we ignore the effects of domestic violence on children, we risk the development of a new generation of batterers and victims. In no circumstances is this more evident than when children are exposed to domestic homicide.

This protocol should be implemented in response to critical incidents in which children are witnesses to, or are traumatized by the critical incident. Examples include but are not limited to: homicide, suicide, serious injury of parent or caregiver, severe assault of sibling, parent, or other household member, or accidents that involve the severe injury or death of a family member.

When the critical incident involves a homicide, the Victim/Witness Advocate from the Office of Victim/Witness Assistance within the Department of Justice, should activate the protocol. In all other critical incidents, the protocol should be activated by law enforcement personnel responding to the situation.

1. The local mental health center emergency response team should be notified to respond immediately. A mental health crisis worker will be dispatched to meet with the child(ren) and any appropriate family members to determine the best course of action for meeting the child(ren)'s emergency needs in responding to the trauma.
2. If appropriate housing which is deemed safe and suitable with family or friends is not available, DCYF or Help Line (if after hours) should be called. Crisis housing resources, as well as guidance regarding suitability of placement options, are available by calling:

HELP LINE at 1-800-852-3388

3. If the children have been housed in a confidential location, the confidentiality of that location must be maintained. Examples include battered women's shelters and emergency foster home placement. Under no circumstances should these locations be revealed to anyone. If possessions need to be retrieved, that should be coordinated through law enforcement, or with the assistance of the agency administering that confidential housing.
4. If possible, the mental health crisis worker may be included in any law enforcement interviews of the child(ren) so that the child(ren) do not have to repeat traumatic information and so that necessary emotional support can be provided to the child(ren).
5. The following factors/circumstances should be considered to determine if an interview with the child(ren) is needed immediately or whether it can wait until the child(ren) may be more stabilized emotionally, including but not limited to:
 - * Information is needed from the child(ren) to assist in the arrest of a suspect who would otherwise pose a threat to society if not apprehended immediately.
 - * Information is needed from the child(ren) to identify a suspect who would otherwise not be identified if the interview(s) did not take place immediately.

- * The child(ren) and the suspect are part of the same family system and access to the child(ren) might be hindered or the child may be threatened regarding disclosing information concerning any criminal activity of the suspect.
- * Evidence which would otherwise dissipate (i.e. blood alcohol content) might be lost without gathering information from a child witness to establish probable cause that a crime has been committed.
- * Evidence might be destroyed or undetected and thus lost if the child is not interviewed immediately.
- * Whenever the collection of physical evidence, identification of other victims or witnesses, or testimony would be corrupted and thus interfere with the pursuit of justice. The age of the child may sometimes be a factor in assessing this potential.

These procedures were developed to ensure that children who witness or are involved in bizarre and violent episodes are provided with appropriate and timely responses which will minimize the impact of traumatic events upon these young lives.

APPENDICES

- I. ROLE OF THE OFFICE OF VICTIM/WITNESS ASSISTANCE**
- II. ROLE OF THE COMMUNITY MENTAL HEALTH CENTER CRISIS RESPONSE PROGRAM**
 - 1. COMMUNITY MENTAL HEALTH CENTERS:
EMERGENCY SERVICES 24-HOUR PHONE NUMBERS**
 - 2. TOWNS AND CITIES BY AREA**
- III. NEW HAMPSHIRE HELPLINE EMERGENCY FOSTER CARE PLACEMENT PROTOCOL**
- IV. PROCEDURES FOR CRISIS HOMES**

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APPENDIX I

ROLE OF THE OFFICE OF VICTIM/WITNESS ASSISTANCE

The Office of Victim and Witness Assistance was created legislatively to provide support and direct services in all cases prosecuted by the Attorney General's Office, including all of the state's homicide cases. The office works out of the Criminal Bureau of the Department of Justice (603) 271-3671. Advocates are on 24 hour call and respond, with the prosecutor, to the scene of the homicide. Advocates work with the family of the homicide victim and/or witnesses to the homicide from death notification throughout the entire judicial process. The advocate will provide crisis intervention at the scene, information about the justice system as well as notification of all hearings and case status.

Advocates give immediate emotional support to children when they are the victims and/or witnesses to a homicide. Advocates help children with immediate needs for safety, shelter, information and comfort and prepare them for what they can expect in the hours and days ahead. Advocates give caregivers information about the grieving process in children and how best to assist them. In the event there will be an ongoing criminal case, the advocate will be the primary source of information and will prepare the child to testify if needed.

The Victim/Witness Advocates in the ten New Hampshire County Attorney's Offices provide services and support to victims and witnesses in cases prosecuted by the county attorney. Some advocates are on call to respond to a critical incident to provide emotional support to the victim or witness at the scene, while other advocates cannot provide 24 hour services. All Victim/Witness Programs provide the services listed under The New Hampshire Crime Victim's Bill of Rights (NH RSA 21-M:8-K).

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APPENDIX II

ROLE OF THE COMMUNITY MENTAL HEALTH CENTER CRISIS RESPONSE PROGRAM

Referrals should be made to a Crisis Response Program any time a child has witnessed or been involved in a critical incident that is believed to have traumatized him or her, or put him or her at psychological risk. All ten community mental health centers throughout the state operate mobile crisis response programs. These programs function seven days a week, twenty four hours a day and can be accessed by calling the telephone numbers listed below.

Services provided include clinical assessment and treatment for acute psychiatric crises, and staff who are specially trained to respond to individuals in crisis. Treatment may consist of initial crisis counseling, follow-up brief psychotherapy, or referral to an appropriate level of care i.e., hospitalization, out-patient services etc. Services are mobile in that they are provided in community locations such as hospital emergency rooms, police stations, and schools as appropriate. Response time is contingent on service demand, distance, and regional staffing configurations; however, all referrals are prioritized based upon need.

1. COMMUNITY MENTAL HEALTH CENTERS: EMERGENCY SERVICES 24-HOUR PHONE NUMBERS

- I. White Mountain Mental Health & Developmental Services
444-5358
- II. West Central Services, Inc.
650-5855 Lebanon/Hanover Area
- III. Lakes Region Mental Health Center
524-1100
- IV. Central NH Community Mental Health Services, Inc.
228-1551
- V. Monadnock Family Services, Inc.
357-4400
- VI. Community Council of Nashua, Inc.
889-6147
- VII. The Mental Health Center of Greater Manchester
668-4111
- VIII. Seacoast Mental Health Center, Inc.
431-6703
- IX. Strafford Guidance Center, Inc.
742-0630
- X. Center for Life Management
893-3548 (9a.m. - 5 p.m.)
432-2253 (After Hours)

2. COMMUNITY MENTAL HEALTH CENTERS TOWNS AND CITIES BY AREA

AREA I

Albany
Bartlett
Bath
Benton
Berlin
Bethlehem
Brookfield
Carroll
Chatham
Clarksville
Colebrook
Columbia
Conway
Dalton
Dixville
Dummer
Easton
Eaton
Effingham
Errol
Franconia
Freedom
Gorham
Hart's Location
Haverhill
Jackson
Jefferson
Lancaster
Landaff
Lincoln
Lisbon
Littleton
Livermore
Lyman
Madison
Milan
Monroe
Moultonboro
Northumberland
Ossipee
Piermont
Pittsburg
Randolph
Sandwich
Shelburne
Stark
Stewartstown
Stratford
Sugar Hill
Tamworth
Tuftonboro

Wakefield
Warren
Waterville
Wentworth
Location
Whitefield
Wolfeboro
Woodstock

AREA II

Acworth
Canaan
Charlestown
Claremont
Cornish
Croydon
Dorchester
Enfield
Goshen
Grafton
Grantham
Hanover
Langdon
Lebanon
Lempster
Lyme
Newport
Orange
Orford
Plainfield
Springfield
Sunapee
Unity
Washington

AREA III

Alexandria
Alton
Ashland
Barnstead
Belmont
Bridgewater
Bristol
Campton
Center Harbor
Ellsworth
Gilford
Gilmanton
Groton
Hebron
Holderness

Laconia
Meredith
New Hampton
Plymouth
Rumney
Sanbornton
Thornton
Tilton

AREA IV

Allenstown
Andover
Boscawen
Bow
Bradford
Canterbury
Chichester
Concord
Danbury
Deering
Dunbarton
Epsom
Franklin
Henniker
Hill
Hillsboro
Hopkinton
Loudon
Newbury
New London
Northfield
Pembroke
Pittsfield
Salisbury
Sutton
Warner
Weare
Webster
Wilmot
Windsor

AREA V

Alstead
Antrim
Bennington
Chesterfield
Dublin
Fitzwilliam
Francetown
Gilsum
Greenfield
Greenville

Hancock
Harrisville
Hinsdale
Jaffrey
Keene
Lyndeborough
Marlborough
Marlow
Nelson
New Ipswich
Peterborough
Richmond
Rindge
Roxbury
Sharon
Stoddard
Sullivan
Surry
Swanzey
Temple
Troy
Walpole
Westmoreland
Wilton
Winchester

AREA VI

Amherst
Brookline
Hollis
Hudson
Litchfield
Mason
Merrimack
Milford
Mont Vernon
Nashua

AREA VII

Auburn
Bedford
Candia
Goffstown
Hooksett
Londonderry
Manchester
New Boston

AREA VIII

Brentwood
Deerfield

East Kingston
Epping
Exeter
Fremont
Greenland
Hampton
Hampton Falls
Kensington
Kingston
New Castle
Newfields
Newington
Newmarket
North Hampton
Northwood
Nottingham
Portsmouth
Raymond
Rye
Seabrook
South Hampton
Stratham

AREA IX

Barrington
Dover
Durham
Farmington
Lee
Madbury
Middleton
New Durham
Rochester
Rolinsford
Somersworth
Strafford

AREA X

Atkinson
Chester
Danville
Derry
Hampstead
Newton
Pelham
Plaistow
Salem
Sandown
Windham

APPENDIX III

NEW HAMPSHIRE HELP LINE EMERGENCY FOSTER CARE PLACEMENT PROTOCOL

PURPOSE: To provide local law enforcement officials with basic background information on HELP LINE's role in managing after hour emergency foster care placements.

The New Hampshire Division for Children, Youth, and Families (DCYF) contracts with HELP LINE to provide after hour coverage (nights, weekends, holidays) for the Division.

HELPLINE provides the following services:

1. Intake and referral.
2. Facilitation of emergency foster care placements for law enforcement officials.

THE STAFF OF HELP LINE ADHERE TO THE FOLLOWING PROTOCOL:

I. Explaining the role of HELP LINE:

1. HELP LINE is contracted to provide after hour coverage for DCYF. We can take a "message" (name, telephone #, type of report), but the report should be given directly to DCYF the next business day at 1-800-894-5533.
2. HELP LINE can facilitate emergency foster care placement if the child has been deemed to be in imminent danger and has been taken into protective custody. Be sure to ask if all other resources have been exhausted (appropriate family, friends, neighbors, etc.).

II. Reporting Abuse:

1. If the abuse is happening now or likely to occur again within twenty-four hours, immediately contact the local police department to make the report. If you do not believe the caller will follow-up, HELP LINE should make the call ASAP.

Obtain the appropriate information and complete the child abuse intake form to the best of your ability. If the information is not available or unknown, please indicate this on the form. **THE LOCAL POLICE DEPARTMENT SHOULD BE CALLED ASAP IF A CHILD IS IN IMMINENT DANGER!**

2. If the abuse happened earlier and it is not likely to occur within twenty-four hours, instruct the caller to contact DCYF the next business day.

If you feel the caller is not likely to call DCYF tomorrow, take the information required for the short version of the reporting form.

3. Law Enforcement Officials are obligated by law to make their reports to DCYF. Most Law Enforcement Officials are most likely to call for access to an emergency placement and less likely to call to make a report.

If the police department is calling for information (vs. a report), document any action. Do not press the issue if they refuse to give you the report. Take the officer's name, telephone number, and location. Give the message to intake the next business day.

IF LAW ENFORCEMENT NEED TO MAKE A PLACEMENT, YOU MUST OBTAIN A COMPLETE REPORT.

III. Taking a Report:

1. Obtain the Child Abuse Intake Form.
2. Complete the form to the best of your ability. Be neat, complete, and specific. If information is unknown or not applicable, please indicate so on the form.
3. Log the call in the computer.
4. Log the call in the blue book.
5. Put the report in the "Morning Box".

IV. Making a Placement:

1. Criteria for placement:
 - A. Imminent Danger
 - B. Protective Custody (or currently in custody of DCYF)
2. Eligibility:
 - A. Abuse
 - B. Neglect
 - C. Abandoned
 - D. Runaways (children who will stay put)
 - E. CHINS (Child in need of services)
3. Not Appropriate:
 - A. Juvenile Delinquents
 - B. CHINS with charges pending
 - C. Children with severe emotional or behavioral issues.
 - D. Children under the influence of alcohol or drugs.

** Please note there will be a variety of circumstances regarding the appropriateness of certain placements. Remember we are making placements into the homes of families with other children.

V. The Process:

1. Take the information on the Child Abuse Intake Form.
 - A. Be neat.
 - B. Be complete.
2. Assess for appropriateness.
 - A. Imminent danger.
 - B. Protective custody.
 - C. No other alternatives.

- D. No charges pending.
 - E. No use of alcohol or drugs.
 - F. No danger to self or others.
 - G. Agrees to placement (if applicable).
3. Contact the closest Emergency Foster Home.
 - A. Assess availability and appropriateness
 - a. Inform police department that transportation is their responsibility.
 - b. Inform the police department of their options (if any).
 - c. If it is an infant/young child, make sure all essential baby belongings (diapers, bottles, / blankets, pacifiers, etc.) are brought to the placement. If the child does not have appropriate items, inform the Emergency Foster Home so they can prepare for the arrival of the child.
 - B. Call the Emergency Foster Home and give general information on the child:
 - a. Name
 - b. Age
 - c. Town
 - d. School (if applicable)
 - e. Circumstances surrounding placement:
 - * Abuse
 - * Neglect
 - * Parental arrest
 - * CHINS
 - C. Ask Emergency Foster Parent for permission to have the police department contact him/her directly to make arrangements for placement.
 - D. Call the police department and provide them with placement information.
 - E. Mark placement sheet to indicate placement has been made.
 - F. Complete the intake form.
 - G. Log in the blue book.
 - H. Put report into the morning box.
 - I. FAX report to intake the next business day.

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APPENDIX IV

PROCEDURES FOR CRISIS HOMES

Placements are only to be accepted through HELP LINE and only when DCYS offices are closed in order to qualify for crisis home payment. Typically, these are the steps:

1. Law enforcement contacts HELP LINE for assistance and placement information.
2. HELP LINE worker calls the closest crisis home with a bed available.
3. Police may call to verify location of home.
4. Child arrives, accompanied by police officer who should be asked to sign completed HELP LINE Referral form. The crisis home should always make sure these forms are filled out as much as possible and retained, as they are the only record of the child's placement in the crisis home.
5. On the next working day, the Area Intake Office receives reports from HELP LINE as well as law enforcement regarding the emergency situation. The Area Intake office then refers the report information to the appropriate district office for case assignment.
6. The law requires that when a child is placed in protective custody, a court hearing on the matter must be held within 24 hours (Sundays and holidays excluded). The child's presence is not required at the hearing, although the police or DCYS worker may come to pick up the child to attend the hearing.
7. The crisis home can expect to hear from the assigned social worker or juvenile service worker no later than the second working day after the placement. If this does not happen, crisis home providers are advised to call the supervisor of the responsible district office to find out the name of the assigned worker.
8. If contact with the child's assigned worker has not been established by the third working day after the placement, crisis home providers should notify the DCYS/HELP LINE Coordinator at State Office at 1-800-852-3345, X4691.
9. The assigned DCYS worker has no longer than five working days to move the child to a longer-term placement. On occasion, crisis home providers with another licensed bed available, may elect to keep the child longer than the five working days. When this happens, the rate of reimbursement is reduced from the emergency placement rate of \$25/day, to the regular foster care rate.

24 HOUR
HELP LINE
225-9000
1-800-852-3388
1-800-992-3312 (TTY)

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